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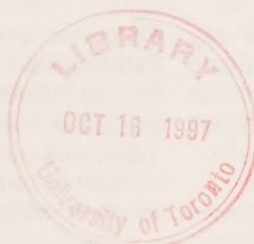
Jeudi 18 septembre 1997

Standing committee on general government

City of Toronto Act, 1997
(No. 2)

Comité permanent des affaires gouvernementales

Loi de 1997 sur la cité
de Toronto (n° 2)



Chair: David Tilson
Clerk: Tom Prins

Président : David Tilson
Greffier : Tom Prins

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 18 September 1997

Jeudi 18 septembre 1997

The committee met at 1006 in room 151.

CITY OF TORONTO ACT, 1997 (No. 2)

LOI DE 1997 SUR LA CITÉ
DE TORONTO (N^o 2)

Consideration of Bill 148, An Act to deal with matters relating to the establishment of the new City of Toronto /
Projet de loi 148, Loi traitant de questions se rapportant à la constitution de la nouvelle cité de Toronto.

The Chair (Mr David Tilson): Good morning, ladies and gentlemen. This is a sitting of the standing committee on general government. This morning we are commencing proceedings on Bill 148, An Act to deal with matters relating to the establishment of the new City of Toronto.

SUBCOMMITTEE REPORT

The Chair: Committee members, you have an agenda before you. There are other documents in front of you as well. I think Mr Silipo has given us a proposed resolution, which we will deal with at the appropriate time. We also have a subcommittee report. Maybe we could start with that. Someone perhaps could present the report to the committee.

Mrs Julia Munro (Durham-York): I move the adoption of the subcommittee report as follows:

The subcommittee met on Wednesday 10 September 1997 and agreed to the following:

1. That the minister be offered 15 minutes in which to make a presentation. Each of the three parties will then have 15 minutes to ask questions and make opening statements.

2. That the transition team be offered 15 minutes in which to make a presentation. Each of the three parties will then have 15 minutes to ask questions and make statements.

3. That ministry staff will be in attendance throughout the committee's hearings to answer questions from the members.

4. That the remaining time for public hearings be offered to the seven municipal governments.

Each municipality will be offered one hour in which to make a presentation. Time slots will be offered on a first-come, first-served basis. The presentations of these municipal governments will be encouraged to encompass a

number of different perspectives and that members of these different views be present to answer questions from the committee. These perspectives include the concerns of the municipality, as well as matters affecting municipal employees, local constituents, and those boards and agencies that will be affected by this legislation.

5. That an advertisement will be placed on the Ontario parliamentary channel.

6. That the deadline for written submissions will be September 30, 1997.

7. That there will be no opening statements during the clause-by-clause consideration of the bill.

8. That the legislative research officer will prepare a summary for the committee by September 30, 1997.

9. That the Chair is authorized to begin the meetings even if there is not representation from all three parties.

10. That requests by witnesses to have their expenses paid by the committee will not be accepted.

11. That the Chair, in consultation with the clerk, will make any other decisions necessary with respect to the public hearings or the clause-by-clause consideration of the bill.

12. That the information contained in this subcommittee report may be given out to interested parties immediately, as opposed to after the committee has voted on it.

13. That the clerk has the authority to implement the decisions of the subcommittee immediately.

The Chair: A motion that this report be adopted. Debate? Discussion?

Mr Tony Silipo (Dovercourt): Just a couple of quick questions first. I honestly don't want to take a long time on this, because I am eager to get on with hearing particularly the minister and the transition team this morning.

Could I just understand the latest situation we have, either from you or from the clerk, with respect to this afternoon? I understand that in addition to the municipalities, we have now managed to schedule in a number of citizens. Can we all be brought up to date on that?

The Chair: Mr Silipo, I'm going to let the clerk speak on that. It is my understanding that at least one of the municipalities wasn't prepared to speak at the time we offered and there was extra time available. I'll let the clerk indicate to you what we have done.

Clerk of the Committee (Mr Tom Prins): Essentially that is correct. At about 10 to 5 yesterday I was informed that Barbara Hall wouldn't be able to attend today, nor would Mel Lastman be able to attend today. He

may be able to take a half-hour slot on September 25. We had an amount of time to use and the decision was made that we would randomly select individual citizens who had requested to present on this bill from those who had called my office. We randomly selected 12 people and we've offered them 10 minutes. Right now we have one individual at 4:30, Ms Drainie. Messages should be coming back to my office and hopefully we can schedule additional individuals this morning.

Mr Silipo: That's helpful and I appreciate the clerk's proceeding with that. As you know, we've been discussing that concern that's come to our attention over the last couple of days. I just want to be clear, in my view, of the approach we took that I certainly agreed to as we discussed it, and I don't want to make any issue of that with respect to how we're going to schedule the time, albeit very limited, we have for hearings on this bill, the nine hours we have to deal with this: that we ask the municipal governments to pull together a one-hour presentation encompassing not just the concerns the mayors themselves might have but those of citizens as well as the various organizations within the different municipalities. That was the way we thought we would try to make the best of a pretty lousy situation, at least as I saw it, in terms of the time.

As you know, Chair, I've given you a motion requesting that the committee ask for additional time to hear citizens and organizations that wish to address the committee. I would like that dealt with still. I believe that there may very well be a need to do that. I am prepared to wait and deal with that later today, if you wish, because I don't know what the situation is going to be in terms of how many people we're going to be able to schedule. We're now in the situation where we are offering people a time, but unfortunately we're doing it at a fairly late point in time, so we may find ourselves in an awkward situation of not being able to fill the time this afternoon, yet knowing that there are a number of people who want to speak. My concern is that we need to have some flexibility in that, as I say, whether we deal with —

The Chair: I indicated at the outset that you can present your resolution. We now have a subcommittee report on the floor. Maybe you could restrict your comments to that. I have indicated that if you wish to make the proposed motion after that, you are quite welcome.

Mr Silipo: That's fine. I assume that it would have to be done by way of amendment to number 4 particularly, but if you want to deal with it separately, that's okay too. It's as you wish.

The Chair: It's your show, Mr Silipo. If you wish to amend the subcommittee report, that's fair too.

Mr Silipo: Maybe I'll do that just by adding to 4. No, actually let's deal with that and then I'll place it as an additional motion. Okay, that's fine.

The Chair: Okay. Further discussion?

Mr Mike Colle (Oakwood): I'm not sure of the intention in terms of restricting the submissions just from municipalities and the representatives of the transition team. I wasn't part of the subcommittee discussions and

I'm not sure what the goal was of the subcommittee in terms of formatting it this way, where individuals were not part of the original pattern of making deputations. I suspect, in a normal sequence of events, that usually individuals are allowed to make representations to the committee.

I am surmising, wasn't it the intention of the subcommittee to exclude individuals, given the time constraints, possibly? I would hope that the committee and the Chair agree to make some room, and I think some kind of meaningful room, so there can be individual deputations. I certainly, on behalf of my party, support anything that would allow for correcting the exclusionary approach of the subcommittee report. Whether it be intentional or not, you were probably constrained by the time situation. Being considerate of this would certainly help to ensure that everybody participated, that there are individuals who want to make presentations. I know some of them were phoned late last night, and that is just not adequate time for them to be involved in a meaningful way. I would hope, whether it be this day or in the next session of the committee, that there be a process whereby individuals be given notice and be given the opportunity to participate fully, if they wish, as individuals. That's what I'm talking about basically, individuals, not so much the organizations that have already been contacted.

The Chair: Mr Colle, I am bound by the House and I am bound by whatever process this committee chooses. The subcommittee has suggested a process and that process could be changed if the committee saw fit. Representatives from all three parties were on the subcommittee, as you know.

I'm open if anyone wishes to change the subcommittee report, but we're now debating the subcommittee report. Any further debate? All those in favour of —

Interruption.

The Chair: No. No. Here come the stunts.

Interruption.

The Chair: Mr Sewell, you have to be elected to talk on this resolution and —

Interruption.

The Chair: That's right, a hearing, not a talking. We're recessed for half an hour.

The committee recessed from 1017 to 1047.

The Chair: Ladies and gentlemen, we'll try this again. We have before us a resolution to accept the report of the subcommittee. Is there further debate?

Mr Silipo: Two things: As you've noted, I have a motion that I wanted to put. In addition, after we deal with this, I want to suggest to you that I'm prepared, in light of the way the morning has developed, to simply have that motion tabled. That motion, as you know, would ask that we seek permission of the House to schedule additional meetings in order to be able to hear citizens and organizations that wish to address the committee. Until we have a clearer picture this afternoon of where things are at, I'm happy to do that, if it's helpful, so that we can get on with the proceedings at this point.

The Chair: Mr Silipo, I appreciate your telling me all this, but I'm trying to dispose of this subcommittee report and you want to get on with your resolution. Perhaps we could deal with the subcommittee report.

Mr Silipo: I am going to deal with the subcommittee report.

The Chair: Mr Sergio.

Mr Silipo: Sorry, I'm not finished. On the subcommittee report, I'm just conscious of the time, as I'm sure we all are, in that we had two hours scheduled this morning. We obviously don't have two hours left according to our schedule. Before we vote on this, I just want to be clear about what you would propose we do with the time this morning. I appreciate that the minister is here. I'm eager to hear him, but I also want to make sure we hear the transition team.

The Chair: I guess that's fair, because that is referred to in the subcommittee report. My position is that we are now subject to the — I am in the hands of the committee. We had set aside from 10 to 11 for the minister and his staff and questions from members. As you know, Mr Silipo, it is a proposal of the subcommittee to deal with representatives from the transition team and questions from the committee members from 10 to 11. The difficulty is that we're now at almost 11 o'clock.

Mr Silipo: That's why I asked the question.

The Chair: We will have a vote in the House at 12. The transition team — we have a bit of a problem for them. We would have to reconvene. Hopefully representatives from that team would be available to reconvene with that this afternoon. I'd like to be Mandrake the Magician, but I'm not. We've lost an hour this morning.

Mr Silipo: I understand that. You chose to recess the meeting for half an hour and that's fine; that's within your prerogative as Chair to do. I just want to be clear that in adopting this motion we're not going to be precluded from hearing at some point from the transition team. That's why I raise the issue now before we vote on this.

The Chair: That's what the Chair is proposing. If members of the committee don't like what the Chair is proposing, I should hear from you now.

Mr Mario Sergio (Yorkview): What's your proposal again?

The Chair: My proposal is that we will hear from the minister from 11 to 12, and I know this amends the subcommittee report —

Hon Al Leach (Minister of Municipal Affairs and Housing): I have another —

Mr Steve Gilchrist (Scarborough East): He can't stay until 12.

The Chair: The minister is telling me and I think the parliamentary assistant is telling me he can't stay until 12, so we have a further problem. First of all, let's clarify it. Minister, how long can you stay this morning?

Hon Mr Leach: I have another commitment at 11:30. I could probably be a little bit late for that meeting but I have to be out of here by 20 to 12 at the very latest.

The Chair: Then, members of the committee, I would recommend that if the transition team is available, we start with the transition team at 11:30. Any objections to that?

Mr Silipo: And have them come this afternoon.

The Chair: We would ask them to come back. Hopefully they will. It looks like we will not have time for questions of the minister. Is that fair?

Interruption.

The Chair: Ladies and gentlemen, I'm going to recess and I'm going to clear this room if you continue to do this.

Mr Silipo: Could I just try to be helpful? If the minister is only available till 11:30, can we not just try to sort that time out and have the minister shorten his comments? We can all shorten our question time and deal with that, okay?

The Chair: Again, if that's what the committee wishes. Any objection to that? Okay. Mr Sergio.

Mr Sergio: I'll let Mr Colle go first, but I wish to make some comments.

Mr Colle: I'm just wondering whether first of all we can, as an amendment to the subcommittee report, direct staff to fill in those times, to be confirmed at the end of today, with people who are present if they wish to do so. There are some spaces.

The other thing is, is it possible that —

The Chair: Are you proposing an amendment, Mr Colle?

Mr Colle: Yes.

The Chair: Where are you proposing that to?

Mr Colle: That's to section 4: that people here today be asked to fill in those slots if they're willing to do so.

The Chair: Okay.

Mr Colle: The second part of my amendment: As you know, we're constrained by the time allocation motion in terms of when we can end the day. I wonder if it's possible, to accommodate more individuals who want to make presentations, whether we can start next Thursday at 8 in the morning so that individuals who want to make deputations can make them. We don't have to go back to the House to get that kind of approval. It's something we can do that will give us an opportunity to hear from more people. If we get approval from the House for extension, fine, but at least we can start next Thursday at 8 am and have individual citizens given the opportunity to make deputation before the committee at next Thursday's scheduled meeting. Those are my two —

The Chair: We now have an amendment to the motion. Is there debate on the amendment? So the amendment is twofold: one, to direct the clerk, if there is time available this afternoon, to call individuals at his discretion, or is it —

Mr Colle: For the clerk's staff to contact even people who are here in the audience. Some of them may want to speak, to express an interest.

The Chair: Mr Colle, I've got to be clear as to what you're saying.

Mr Colle: If the clerk's staff can contact and ask people who are here present — some of them have already written in to speak and they're on the list, so on a face-to-

face basis, if they can be asked whether they want to fill in these slots that are open.

Mr Dan Newman (Scarborough Centre): How do we decide who's going to speak?

Mr Colle: Ask the first two or three who want to speak.

The Chair: So you're asking that the clerk ask people in this room today?

Mr Colle: Yes, who have already asked to speak to this committee.

The Chair: All right. The second thing you're proposing is that we commence the hearings next Thursday at 8 o'clock.

Mr Colle: At 8 am, and invite individual citizens who are on the list to speak in those time slots.

The Chair: From 8 until 10 o'clock?

Mr Colle: Yes.

The Chair: Further discussion on the amendment?

Mr Tom Froese (St Catharines-Brock): I will be voting against the amendment because I have commitments next Thursday morning, actually every Thursday morning at 8 o'clock. I'm on other committees and I can't be here, so why would I vote for the amendment? It's in two separate sections now, I guess.

Interruption.

The Chair: I don't think I have enough time to warn the audience. There will be no more warnings. I'll make it clear right now that interjections, as you know, are not permitted. I am saying at this stage that if there are any further interjections, I will recess and I will ask the security to clear the room, with the exception of staff of members, staff of the ministry and media.

Further debate on the amendment?

Mr Silipo: Briefly, if it's going to be helpful, I wonder if Mr Colle might also accept as a friendly suggestion having the amendment dealt with as two separate amendments. I sense that there may be agreement on the first part and I for one wouldn't want to jeopardize that even if the government members are not going to oppose the second part that deals with the extension.

Mr Colle: I have no problem with voting on them separately.

Mr Gilchrist: We have a problem. Mr Colle may not have heard the clerk, or understood. We've already contacted 12 people who sent in their names and have requested to speak this afternoon. You have a bit of a problem in that we've already gone that route. The bottom line is that you would now be pre-empting them for others. It was done fair and square. I witnessed the clerk draw them at random.

Mr Colle: This has to be confirmed.

Mr Gilchrist: He has made 12 phone calls, even though there are only nine spots, to make sure that we had three extra names just in the off chance that three people couldn't attend. It has been done fairly. Seventy-one people had sent their names in, and from those 71 the clerk threw all the letters into a box and then drew 12 names out of there. He has satisfied exactly what you're asking for, but the phone calls have already been made.

Mr Colle: So these are incorrect, then. There should be names in there that have confirmed.

Mr Gilchrist: Yes, they've been phoned and told —

Clerk of the Committee: As of last night I'd only been in touch with one individual and left messages on the rest of the machines. My office now may have additional messages, additional people wishing to speak.

Mr Colle: Sorry, I'm not getting the same message. These two slots, 4:40 and 5:30, it says "To be confirmed." Are there people slotted in there, real, live people? That's all I ask.

Clerk of the Committee: No. I made the calls last night and I hadn't had anyone scheduled, but my staff is continuing to try to schedule people for those slots. As things stand right now, there could be —

Mr Colle: That's the opposite to what the parliamentary assistant is saying.

Mr Gilchrist: No, he has made the phone calls. He has made the offer already.

Mr Colle: There are people here who could fill those slots.

The Chair: Mr Sergio, I apologize for missing you before.

Mr Sergio: We are dealing with disposing of the next hour. We have the next hour to decide what we are going to do and it's unfortunate that we have just wasted half an hour. The recess could have been five or 10 minutes. I don't want to waste another half an hour debating about what we are going to do in the afternoon.

If there are any time spots that people have not confirmed, I believe we should call the odds and fill in those hours with whoever wants to speak instead of adjourning for the next 10, 15 or 20 minutes. But let's speak to the hour we have available here. I suggest that I don't think Mr Leach is going to be back in the afternoon; I have that gut feeling. I think he's a very busy man and he might not come back, and the members of the transition team as well.

I'd like to hear from Mr Leach this morning and from the transition team according to what we have said, 15 minutes each, and then the remaining half-hour or whatever is for the three parties to ask questions of Mr Leach and the transition team. We can table the motion with the amendment and then we can debate, if you will, how we are going to fill those spots. I think it would be very simple. I don't care if we're going to get people from Scarborough or North York or Etobicoke or if we hear from people who are here in the audience. If there are spots open, then we can invite anyone from anywhere present in the room to make a submission in that particular time slot. But at the moment I'm interested in employing the next hour. I think we should proceed accordingly with the minister, the transition team and the three parties. I would make that suggestion now.

Hon Mr Leach: I committed to spend an hour with the committee and I'm quite prepared to spend that hour with the committee. If we run short of time this morning, I would be prepared to come back and spend the remaining

part of that hour, whatever it is, after question period this afternoon.

The Chair: Any further debate on the amendment? Mr Colle, just so I'm clear, we're splitting it. We're recommending that the subcommittee report allow the clerk to ask members of the audience if they wish to speak for 10-minute slots starting some time this afternoon, because we now have Mr Leach possibly coming back and possibly the transition team coming back. Do I understand, Mr Colle, that you're telling the clerk not to make further calls to individuals?

Mr Colle: Right, to try and fill with people who are here and wish to speak.

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The Chair: So he should discontinue those calls. The second amendment is to commence the proceedings next Thursday morning at 8 am.

We will ask for a vote on the first amendment, which is directing the clerk to — if time permits this afternoon, after hearing from the minister, after hearing from the transition team and after hearing from the municipality of Etobicoke — offer 10-minute slots to members of the public who are here this morning.

Mrs Munro: I just want to ask for clarification. Since the clerk has told us that he has made phone calls, I'm concerned about pre-empting people who have been asked to make submissions. I'm not sure that this amendment makes clear the principle of guaranteeing those people the first priority.

Mr Silipo: Just so that we're clear here — please let's not mince words on this — I take Mr Colle's amendment to be an attempt to try and make sure that we fill the time this afternoon with people who want to speak to us. Obviously the clerk has already made some calls. If those people reply and say they want to speak, then those people would be slotted in. In addition to that, there are people here who have indicated that they would be willing and able to speak this afternoon. I suspect that a number of those people are also on that list of 71 people.

The Chair: That's the Chair's understanding too. What Mr Colle's amendment —

Mr Silipo: I think the intent is, let's make sure, if there is time this afternoon, that we fill that with people who want to speak. The clerk can work out the details.

The Chair: I agree. That's my understanding of what Mr Colle's amendment is. Do we all understand? All those in favour of that first amendment? Opposed? That proposed amendment fails.

Mr Sergio: I believe we had one in favour, three, four —

The Chair: Mr Sergio, I have held that this particular amendment fails. We're now on to the second amendment. Any further questions on the second amendment, which is to start the proceedings next Thursday at 8 am — from 8 until 10 — to enable members of the public to speak to the committee at that time. Are we all clear? All those in favour of that proposed amendment? Opposed? That proposed amendment fails.

We are now on to the main resolution, which is accepting the reports of the subcommittee. All those in favour of that report?

Mr Sergio: Are you done with my amendment as well that we hear the minister, the transition team and then the three parties this morning?

The Chair: Excuse me, Mr Sergio —

Mr Sergio: Actually, we would be following the agenda as it is.

The Chair: Mr Sergio, just so you're clear what my understanding is, obviously it was the assumption that these proceedings were going to start at 10; it's now 11 o'clock. There is a vote in the House at 12 o'clock. I will adjourn the proceedings at 12 o'clock to enable members to go and vote. We will reconvene at 3:30. The minister has indicated that he is prepared to come back this afternoon if available. I hope members of the transition team will be able to come back at that time as well. I hope that the municipality of Etobicoke will be available to push their time down. It's as simple as that.

All those in favour of the subcommittee report? All those opposed? The report has been accepted by the committee.

Mr Silipo, what are we going to do with your resolution?

Mr Silipo: I'm still willing to let that stand and hope that the members of the government will reflect on that. I think there will be a need for additional time. I don't want to spend more time dealing with that this morning.

STATEMENT BY THE MINISTER AND RESPONSES

The Chair: Minister, thank you for your patience. We are now ready to proceed with you. Good morning.

Hon Mr Leach: Good morning, ladies and gentlemen and members of the committee. I'm pleased to be here for the start of hearings on Bill 148, a bill that will ensure the continuity of services for residents of the new city of Toronto. The City of Toronto Act, 1997, which was passed by the Legislature in April of this year, will create one strong, unified city in order to improve economic development, reduce waste and duplication, save taxpayers money and provide better accountability. That legislation provides a framework for the new city.

It was drafted with the understanding that a companion piece would be required to deal with the administrative, technical and specific transitional matters around the move to one city. Bill 148, the City of Toronto Act, 1997 (No. 2), is that companion legislation. It provides for the legislative changes needed to ensure the new city has the legal and administrative authority it needs to function. The bill serves a number of purposes: It maintains certain boards and agencies; ensures continuity of municipal services; and protects the pensions and benefits of municipal employees and retirees.

The first purpose, maintaining boards and agencies, would ensure for example that the Toronto Transit Commission, Exhibition Place and the Metro zoo continue

to operate as usual after January 1, 1998. The second purpose, continuity of service, would ensure that the new city has the authority needed to provide the municipal services that people expect, such as public transit. People need to know that the services they use every day will continue uninterrupted when the new city of Toronto comes into being on January 1, 1998. The third aspect of this bill would protect the pensions and benefits of municipal and local board employees and retirees.

There is no question that these very important obligations should continue to be honoured by the new city. Bill 148 provides the legislative continuity required to ensure that they will. It is important for residents to understand that continuity of service is a priority. Bill 148 is needed to ensure that the transition to a unified city is smooth and seamless. That priority is reflected in the content of the bill itself. This legislation would ensure that the new city of Toronto is legally authorized, as its predecessors were under the Municipality of Metropolitan Toronto Act, to provide many services residents take for granted as well as some others that they may not think of very often.

The responsibilities the new city would be authorized to carry out are worth considering as we start this important process. I think everyone would agree that none of them are that surprising: Ambulance services would continue; policing and lifesaving services for the Toronto harbour would carry on as usual; homes for the aged would operate without disruption; conservation authority lands would continue to be maintained; the new city would take over the operation of the licensing commission; the Toronto Islands ferry would continue to shuttle residents and tourists across the harbour.

The new city would be given the authority to plan and act in case of an emergency. It would also take on the authority to enter into water supply and sewage treatment agreements. The new city of Toronto would have the authority to properly dispose of liquid and solid waste. The new city would continue to establish and operate controlled access roads.

As you can see, none of these are new or controversial powers. They are simply a continuation of powers currently afforded to Metro council, powers which will allow the new city to carry out the day-to-day responsibilities that residents expect it to undertake.

The bill before you also deals with some specific transitional issues. For example, it provides that the current official plans of the Metro area will continue until the new council repeals or amends them. The bill confirms that there would be one public health board, one library board, one historical board and one parking authority to ensure a cohesive structure is in place for the unified city.

Last but not least, this bill would allow the new city council to develop an area rating system which would help sort out any financial imbalances or service level disparities in the various municipalities. The new council could, for example, examine a former municipality's total financial picture and make adjustments to tax rates which would reflect its findings. In other words, if a former

municipality had substantial reserves and very little debt or liability, the council could lower tax rates in the area of that municipality and could do so over an eight-year period. That seems to be very fair to me, as I'm sure it does to everyone else.

Bill 148 brings us one step closer to better government for the residents of the Metropolitan Toronto area. A unified Toronto will capture the imagination of business investors worldwide, and that means we will stand a better chance of attracting investment and strengthening both the local and greater Toronto area economy.

1110

The new city structure will mean better political accountability. Taxpayers won't have to deal with different levels of government, and one unified city will end waste and duplication. The new city structure will permit the establishment of one fire department to replace six, one roads department and not seven, and will mean a cohesive integration of many services.

In conclusion, one strong city will help create a solid greater Toronto area core. A unified Toronto will have the population, political representation and clout to ensure that the greater Toronto area and Ontario continue to be the economic engine of this country.

The City of Toronto Act, 1997 (No. 2) will ensure that the new Toronto council has the authority needed to continue to carry out its responsibilities as of January 1, 1998. It will also reassure residents that the transition to their new city is well under way and that a more efficient, effective and less costly government structure will result.

I know everyone will agree that the services Metro area residents have come to expect should be the same the day before and the day after the new city is born. Bill 148 helps ensure that continuity and should be passed quickly to provide a smooth transition and demonstrate that the best interests of Metro Toronto residents are a priority for this Legislature.

Thank you very much.

The Chair: Thank you, Minister. We have about 15 minutes, because I understand you're leaving at 11:30. Do I understand that you're prepared to come back this afternoon?

Hon Mr Leach: Yes.

The Chair: We had agreed that each caucus be allowed 15 minutes to either make a statement or question the minister. I will therefore give the 15 minutes that remain to the Liberal caucus. We will then reconvene with the New Democratic caucus and the Conservative caucus this afternoon. Is that agreed? Okay. Mr Colle.

Mr Colle: Thank you, Minister. One of the questions I have is about the ability, under this act, of the new council of the megacity to impose local levies on different parts of the new megacity. Let's take, for instance, the city of Toronto, where there are very few user fees for recreational services and library services. What if they wanted to continue that? Would that be considered a special service, and would a special new local levy be placed on the old city of Toronto because they continued to provide those services at no charge?

Hon Mr Leach: That would be up to the new council to determine. What we're trying to do is ensure that any municipality that has reserves can be assured that the reserves they have can be spent in that particular area of the city, and that would be for the new council to decide.

The last thing I think we need is for municipalities to be out scrambling, spending money on projects before they're required, just to ensure that the reserves are spent. That doesn't make any sense to me. We've put in legislation that allows those reserves to be spent, in the community which built the reserves, on projects in that area, which I think is fair.

By the way, it's not unique. It happens with just about every amalgamation that takes place around the province.

Mr Colle: I'm not talking about reserves here. I'm talking about user fees. As you know, the other municipalities have user fees for recreational services. The city of Toronto does not.

Hon Mr Leach: That will be up to the new council to determine. Whether they want to impose user fees for certain services, that's solely at their discretion.

Mr Colle: You're saying it doesn't prohibit the megacity council from imposing a special levy on the old city of Toronto because they don't have user fees for recreational services.

Hon Mr Leach: It will be the responsibility of that duly elected council to make decisions.

Mr Colle: So they can, in other words. They can impose a special levy because they don't charge user fees for library services or recreation service.

Hon Mr Leach: Or they could not. That would be at their discretion.

Mr Colle: It's permissible. It allows that to happen.

Hon Mr Leach: Or not to happen.

Mr Colle: Right. What happens, for instance, if the city of York, which has one garbage pickup a week, decides to go to two?

Hon Mr Leach: Again, that's at the discretion of the new council. They would have the ability to maintain the service levels in one part of the community that exist now, or have it unified, or phase it in over time. These are decisions the new council will make.

Mr Colle: Getting back to the special local levies and area taxes: Under this legislation, if you get a service you didn't have before, or one that another area doesn't have, the megacity council can impose a special tax on one of the older municipalities because they have what you consider in this legislation an additional service.

Hon Mr Leach: That would be at their discretion. They could either decide to do that or decide not to do that. This legislation is permissive. It gives them the responsibilities and powers to make those decisions, as they should have.

Mr Colle: The other thing is in terms of the reserves: You talk about a city that has a lot of reserves and doesn't have a problem in terms of its debt load, that they can have their taxes lowered. What about a city that doesn't have any reserves? The city of York basically has no reserves. What happens to them?

Hon Mr Leach: In what respect?

Mr Colle: In terms of their taxes. You said you can lower taxes if you have a lot of reserves in that area; you can use the reserves to lower taxes in that municipality.

Hon Mr Leach: You could use the reserves to do the projects that the reserves were established to carry out. You'd have reserves still.

Mr Colle: You specifically said that taxes can be lowered if you have substantial reserve funds, "very little debt or liability, the council could lower tax rates" in that area. Let's say the city of North York has large reserves. They could get their taxes lowered because they've got large reserves.

Hon Mr Leach: They could have a lower mill rate in that area to take into consideration the reserves they had. That's correct. That would be a decision —

Mr Colle: Therefore, let's say a poor city like York with no reserves — what would happen to them? Their taxes could not be lowered, then.

Hon Mr Leach: They would have the standard mill rate, but if the new council decides to do that. This is permissive legislation to ensure that the new council has the ability to make that type of decision if it chooses to make that type of decision.

Mr Colle: In essence, you're going to have a pretty checkerboard tax rate across what is supposed to be a unified city.

Hon Mr Leach: They may or they may not. But we've also said that whatever it is, they have to phase that through within a period of eight years so that over that period you would get to one uniform tax rate right across the entire new city. But I think it's only fair and I think most people would agree that if a municipality has been prudent and has built reserves, the money that has been put into those reserves for certain projects should be spent in that area. I think that's a responsible thing to do. It's quite a common thing when amalgamations take place across the province and I think it's appropriate for the new city.

Mr Colle: Don't you see that there is another problem? There are disparate areas in Metro that through no fault of their own, because of lack of assessment, don't have an industrial-commercial base whereby they —

Hon Mr Leach: That's something —

Mr Colle: Let me finish, please. They could not build up reserves because they're basically trying to survive. Now, all of a sudden, when this is supposed to be a way of helping them, they're still being punished in those areas because they don't have reserves and they've never been able to build them up. Doesn't that punish the weaker municipalities or weaker areas?

Hon Mr Leach: You're recommending that the reserves for the city of North York be taken and spent in the city of York? Is that what you're recommending?

Mr Colle: No. I'm saying, won't you stop and consider the fact that there are areas of Metro where you have disparities, through no fault of their own, where they could not build up reserves? How do they get helped?

Remember, the whole idea of this megacity was to even out the playing field and help the less fortunate areas.

Hon Mr Leach: That's exactly right.

Mr Colle: How does this help, for instance, cities like East York or York, which are low in reserves?

Hon Mr Leach: The council would have the ability to phase it in, if it chooses to do so, over an eight-year period or up to an eight-year period — they could do it in a shorter time if they choose to — to make sure those municipalities that did have reserves have the opportunity to spend them.

If you're suggesting that those communities that built reserves, like North York, should take those reserves and spend them in your community of York, you can make that recommendation to the new council. It would be their prerogative to either accept that or reject it.

Mr Colle: So there's no funding available in this transition to ensure that the poorer areas of Metro are helped through this?

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Hon Mr Leach: Again, it's the responsibility of the new council to determine what tax rates and what levies are applied across the whole city. They could start off on day one by having a uniform tax rate if they so chose. What this legislation does is give them the options and the ability to deal with the reserves if they choose to do so.

Mr Colle: Again in terms of services now, let's say one of these cities decides they want to have additional day care services, or let's say localized recreational services, and another area didn't have them. The megacity council could impose a special tax on them because they wanted a service that didn't exist, let's say, in another part.

Hon Mr Leach: All those decisions rest with the new council. If the council wants to have a special service in one area of the new city and they want to apply an increased mill rate to pay for that, that's their decision. I don't think they would do that, but they would have the ability under this legislation to do it if they so chose, or they could choose not to do that, and that's in their realm of responsibility.

Mr Colle: I have just one final question: In this compendium legislation there's not a word mentioned about your highly acclaimed community councils.

Hon Mr Leach: Because it's not necessary. Community councils were covered in Bill 103.

Mr Colle: Yes, but if you've got a compendium piece of legislation which basically puts teeth to Bill 103, which is essentially a dismantling bill, and if community councils are important, why are there no mechanisms in here that recognize their legitimacy and importance so they can carry out their functions as they relate to all these boards, agencies and commissions? For instance, how does a community council relate to the TTC?

Hon Mr Leach: What we're saying is that the new, duly elected council will have the ability to determine the roles and responsibilities of the community councils, not by legislation and not by government but by the duly elected members of the new council.

The Chair: Mr Colle, you and your colleague Mr Sergio have about five minutes left. Whatever you wish.

Mr Colle: Okay. Go ahead.

Mr Sergio: Minister, municipalities have been calling on you, on the government, to provide them with the cost of the downloading. Up to today you have not done so. I wonder if you will, and when? You're telling the municipalities and you're here today telling us that this will save taxpayers money, that this transition, this bill, this change to one city will save taxpayers money and provide better accountability. Can you tell me on both counts how municipalities are going to save money and how, with a council of 57 people, we're going to get better accountability for the people of the new city?

Hon Mr Leach: I think that's probably a better question to address to the transition team, which is working at the present time putting the draft 1998 budget together. In my conversations with the transition team and with politicians throughout Metro, I'm advised that they are quite confident that they can produce a budget that will not have any tax increase whatsoever, perhaps some tax savings. In fact, Mayor Lastman of North York, your community, has indicated that he's confident there won't be any need for any tax increases.

Mr Sergio: I know. But Mr Leach, with all due respect, this is your bill. It's not the transition team's bill. This is your bill. This is what you're doing. This is what you're imposing on the local municipalities. Even this morning in your presentation you were telling us that the TTC will continue to operate as usual, as well as the zoo and Exhibition Place and the nursing homes and the care homes. Can you please tell us, the municipalities, the people of Metro Toronto, how we can accomplish that when the downloading is going to cost municipalities hundreds of millions of dollars?

Hon Mr Leach: Well, it won't.

Mr Sergio: It's not the transition team. It is your doing, so please tell us how municipalities are going to accomplish that.

Hon Mr Leach: Perhaps if you had listened to the statements that have been made by the Premier and by myself on numerous occasions, at public meetings and in the House, that the change of service delivery between the municipalities and the province will be revenue-neutral — there is no major increase in funding.

Mr Sergio: Give us the figures. What are the figures?

Hon Mr Leach: The figures are with the implementation teams now. There is a series of meetings planned to start, I believe, on October 6 throughout the province where each municipality will be presented with the exact figures they need for the separation of service deliveries.

Mr Sergio: One more question, Mr Leach: You did say and the Premier did say, "If there is a shortfall, we will cover that." If there is a shortfall, will you cover it?

Hon Mr Leach: We know that we have \$570 million. We know there are certain municipalities that will incur costs that are going to take a transition team time to sort out, and we have a fund of \$570 million to cover those additional costs.

Mr Sergio: That's a drop in the bucket. Supposing that next year and the year after —

Hon Mr Leach: It's an ongoing fund.

Mr Sergio: It's an ongoing fund?

Hon Mr Leach: Yes.

Mr Sergio: If there is no tax increase this year, next year, the year following but there is a shortfall, are you planning to offer to cover that shortfall year after year?

Hon Mr Leach: I'm quite confident that the municipalities throughout Ontario would have the ability and the skills to ensure that they can carry out the services they have to provide and not have tax increases. You have to remember that we're taking \$2.5 billion in costs, that are at present on the property tax, off for education costs.

Mr Sergio: Yes, and you're downloading \$4.5 billion on to municipalities.

Hon Mr Leach: No. As we've indicated —

Mr Sergio: My last question, because my time is running out: When will you be able to provide the local municipalities with the actual cost of the downloading?

Hon Mr Leach: I think I just said that a minute ago. October 6 is when the series of meetings will take place throughout the province.

Mr Sergio: You also said to ask the transition team. So the transition team, under your direction, should be able to answer that question.

Hon Mr Leach: The transition team, with the help of all the existing municipalities in Metropolitan Toronto, is constructing a draft budget for 1998 for the new council to consider.

Mr Sergio: I see. So the transition team is already working on a budget on behalf of the new city, on behalf of the existing municipalities.

Hon Mr Leach: Yes.

Mr Sergio: How are the present local municipalities going to continue to offer the same services that you're saying will be offered as usual?

Hon Mr Leach: All the existing cities and all the financial officers in each of those cities are now working with the transition team to develop a draft budget which would be presented to the new council of Toronto for its consideration.

The Chair: The time has expired. Minister, I thank you for coming this morning and bearing with us. You've indicated that you would be prepared to return this afternoon. We've spoken to your staff, I might add, and we hope you'll be available to return at 4:30 for half an hour, if that's possible.

Hon Mr Leach: I was looking at right after question period, but let me see if I can —

The Chair: We can try to be flexible on that. The difficulty is that we've scheduled the municipality of Etobicoke at 3:30.

Hon Mr Leach: Do they have an hour?

The Chair: They have an hour. If the two of you can get together and work something out, that would be fine with the committee.

Hon Mr Leach: I'll go out right now and try to rearrange my schedule to be here at 4:30 and I'll certainly get back to you as quickly as I can.

The Chair: Thank you, Minister. Ladies and gentlemen, that concludes for this morning the presentation of the minister.

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ALAN TONKS
MICHAEL GEE
PAUL SUTHERLAND

The Chair: We now have the transition team representatives. Mr Tonks is with us, and some other people whom I trust he will introduce to us. Good morning, Mr Tonks. We've had some difficulty this morning and we're running a little out of time. I understand that you're available for half an hour this morning.

Mr Alan Tonks: Yes, we are, Mr Chairman.

The Chair: If you could proceed as soon as possible and if other members who are with you could identify themselves when they speak.

Mr Tonks: Mr Chairman and members of the committee, first of all thank you for giving us this opportunity to appear before you today. I'd like to introduce my two colleagues on the team: Michael Gee on my right and Paul Sutherland on my left, not necessarily in that part of the political spectrum, but none the less they are very flexible.

We are also appreciative of the opportunity to serve on the transition team. I'd like to bring to your attention, if you are not aware — I'm sure everyone is — that there's a very ambitious program of consideration before the team and that the team has a mandate to help give an orderly and efficient transition to the new, unified city. Before we legally dissolve the city as of January 1, there are a number of things we have to recommend to the new council.

Over the past summer, I don't think anybody has been busier than the members of the transition team, perhaps with the exception of you and maybe some of the people in the audience. I want to tell you that the public consultation we have had, while it has been exhaustive, has really invigorated democratic discussion of the new city and the form the new city is going to take. It has been an inclusive discussion; in fact, so inclusive that this morning we met with some of those who felt they had been excluded. I think that's a good illustration that we are really trying to reach out — not pleasing everyone, but I can assure you we're trying.

Just to give you a sense of the level of interest, we've heard in public deputations from over 1,000 people. We've listened to them mainly on the focus of community councils and neighbourhood committees, but we have not just constrained ourselves to that. We've also invited written deputations and so on, on more broadly based concerns that people may have. We've involved over 800 municipal staff and we've had extraordinary cooperation from the staff. We have needed their expertise and their

experience to figure out the intricacies of the governance and the recommendations we will be making.

We have also gone literally out on the streets, as you may know and be aware, asking people about their concerns and we have been surveying them. I'd like to say that you're damned when you do and you're damned when you don't. If you don't go out there and try to survey people and so on you're accused of not trying. Then when you try, you're accused of asking the wrong questions and so on.

The only defence I have, if it needs a defence in terms of asking people what they think, is that we've attempted to be open-minded and we have attempted to be inclusive. We've used university students. We haven't programmed them to ask dastardly questions. We're simply going out and asking people what they think. For the most part, the responses that have been coming back have been revealing and they have been public; so the process is public, and I think we're willing to take any criticism, if it comes, in the defence that we've attempted to be as open as we possibly can.

In the near future the team will be releasing an interim report. I think it's important that we understand the process with respect to the kinds of questions you're going to be asking. What we've attempted to do within a very short time frame is to go out, listen to people, do some surveying, set up focus groups, try to attend as many meetings of those focus groups as we can and listen to what the area municipalities are saying. On the basis of that intake, we are going to put together an interim report.

Then in the next 10 days we hope to have our report with its recommendations available to go back out and say: "We've listened to you and we've tried to address the issues that you said — there's what we've come up with. What do you think of that?" Then we'll attempt again to amend that report. I think it's important that we understand that process.

The team's mandate does not include making decisions other than those related to hiring key executives. We are embarked on and engaged in doing that right now. All final decisions, if it hasn't been clearly defined before, are subject to the new council that is elected to implement them as it sees fit.

In addition to these activities, under the City of Toronto Act the team is also mandated to consider further legislation for implementing the act and make detailed recommendations to the Minister of Municipal Affairs. It is because of this section in the act that we are here before you today.

The details of the transition team's comments on Bill 148 are contained in a letter from myself on behalf of the team — I have been authorized to sign same this morning — that will be forwarded on to the minister. I'd just like here with the team to summarize some of the contents of that letter.

Bill 148 deals mostly with housekeeping items to enable a smooth transition to the new city of Toronto. We believe that the bill essentially accomplishes that goal. There are, however, several recommendations the transi-

tion team would like to make to the government that we believe will improve Bill 148. Mr Chairman, these are a synopsis of the letter we have sent to the minister and we are going to give them to you now.

At this point I'd ask Michael Gee if he would make the comments with respect to some of the areas he has been working on.

Mr Michael Gee: These comments I'm about to make may seem extremely technical in nature, but I assure you they are very important particularly to the initial operation of the new city. There does not appear to be included in Bill 148 any provision for what municipal treasurers call interim levy and instalment due dates. What normally happens in any given year is that the due dates for property taxes are settled some time in November or December. There are practical problems here to do with printing of tax bills and preparing them for distribution.

Normally the due date for the first instalment of taxes is anywhere from February 1 to February 15 among the six municipalities that send out the tax bills. This means that the tax bill must be received at least three weeks before, which would put it somewhere around the end of the first week of January. In order to do that and keep to that schedule, it is necessary to set those due dates for the 1998 interim levy some time in late November or early December. There is no provision in the bill for that to happen, and we would appreciate an amendment to the bill that would give the authority to the chief financial officer of the new city, who will be in place by that time, to set those due dates and do the necessary preplanning, that is the printing of the tax bills and that sort of thing, so that that can get out.

Any act of the chief financial officer, if such an amendment were available, would subsequently have to be confirmed by the new council. But if we were to wait until the new council is in place, it is likely and probably unavoidable that it would be at least a month's delay in the tax bills going out and the due dates being established. Every month of delay, I am told by various finance commissioners and treasurers in the city, would involve a loss of approximately \$1 million for every four weeks of delay.

There is a corollary to that also in that there is no provision in the bill to permit interim borrowing. This is really a cash flow problem. Many of the municipalities are getting very low in cash at that time of year because the last bill has gone out with a due date of somewhere around September 1 to September 15. To tide them over that period, quite often it is quite necessary for some of the municipalities to borrow in the interim period. There is no provision for that in the bill. Once again, we request an amendment that would permit the treasurer and chief financial officer to do that, to borrow on an interim basis in order simply to pay salaries and keep things going, which subsequently would have to be confirmed by the council.

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There's another problem also in the fact that Bill 148 does not provide for insurance coverage by the new council. There is no one who can arrange for and enter

into any contract for insurance until after January 1. There is a problem, therefore, that at the end of December 31, the existing contracts of the seven municipalities that cover their assets and their protection against liability will expire. Even if they don't expire, those municipalities no longer have an insurable interest in the asset they previously owned.

That asset has become, by virtue of Bill 103, the asset of the new city of Toronto. It will probably involve several weeks, I would think, of delay because generally insurance is done on a tender basis and that involves time. We would appreciate an amendment that would permit the new chief administrative officer, who will be in place by that time, or the chief financial officer, to make the arrangements for insurance coverage in the interim period until the council has an opportunity to take care of it itself on a more permanent basis.

That's the extent of the recommendations that it's in my bailiwick to make. I'd like to pass it over to Paul Sutherland to deal with some of the remainder.

Mr Paul Sutherland: Thank you, members of the committee. Because of time being a little short, I'll try to go through these fairly quickly, in the sense of recommendations, so there will be a chance for questions. One of the areas we've looked at is the preservation of heritage forms, which is very important for a community's identity and the quality of life for its residents. It looks in the existing legislation like the Toronto Historical Board may lose its charitable status for tax purposes and it might be difficult for the board to get that status back again. We would recommend a change to the legislation, that the bill be amended so the new Toronto Historical Board will be able to issue tax receipts for charitable donations.

I'd also like to draw your attention to some other issues in the scope of the bill which are important. They have to do with the need to have a seamless direction from the old cities to the new city, particularly in the zoning areas. Right now a number of councils are hearing many applications that are coming forward to deal with it. It involves zoning amendments and official plan amendments and it may not be possible, because of legislation parameters, to get them all heard in time. We are going to suggest to you today that we allow the old councils to come back in November or December, after the election, to deal with zoning, secondary plan or official plan, amendments from applications that were already in process.

We are not suggesting that anybody come back to deal with money matters or anything to that effect. The actual recommendation is that the government consider an amendment to Bill 148 that would exempt the old councils of Toronto, Etobicoke, Scarborough, North York, York and East York from section 107 of the Municipal Act specifically for bills to adopt amendments to zoning bylaws, secondary plans, official plans and site plan applications. This even goes, for example, for simple backyard decks that might be in the hoop, or even multi-million-dollar projects. That's a recommendation we make.

The transition team also supports recommendations by the boards of health to increase the number of board members in order to accommodate broader diversity of interests. The number would be greater than what is currently allowed under section 49 of the Health Protection and Promotion Act. We would recommend an amendment to Bill 148 that would exempt the new Toronto board of health from those provisions of the Health Protection and Promotion Act which limit the number of board members. There is a suggested range that is coming in from the service teams of what those members would be. We're not suggesting right now what that number should be, but we believe it should be more than what's in the legislation right now.

In other matters, the transition team supports a resolution by the Metro Toronto and Region Conservation Authority to rename itself the Toronto Regional Conservation Authority. We recommend that change.

We also recommend that the guild board of management, which is currently covered under section 59 of Bill 148, be made a department of the new city. The board has not met in a couple of years and the guild staff are already municipal employees. We're recommending that change.

We're also aware that recommendations by Metro Toronto and other councils will likely be coming forward to you at another time. I heard Etobicoke earlier. I'll leave those suggestions. We haven't addressed those suggestions here. That's it, Mr Chair.

Mr Tonks: I'll just conclude by saying that on the whole, Bill 148 will assist the transition team and the citizens of Metropolitan Toronto and their elected representatives in having an orderly, efficient and effective transition into the unified city. The way we see the challenge is to create a sense of solidarity to keep us on track with respect to creating that new structure together. Our best advice to you is the same advice we've been given. We've met with residents, business people, municipal staff, community organizations, agencies, lawyers, consultants, and all of them have provided their experience, their expertise. We will be using their suggestions to put our recommendations together. The best advice we can give you is that you too should listen and take their experience and their recommendations in terms of amending the bill as appropriate.

I think that's all we have to say. We'd be pleased to answer questions.

The Chair: Thank you, gentlemen, for coming and making a presentation to us this morning. The clerk informs me that you're unable to return this afternoon, members of the team?

Mr Tonks: We've scheduled a pretty tight appointment this afternoon.

The Chair: Okay.

Mr Silipo: On a point of order, Mr Chair: I understand that if people are scheduled and they're not able to come, but we have another time slot next week. I hope that we will be able to schedule the transition team back next week to be able to complete the presentations and ques-

tions. There are some important issues that I certainly think we should all get an opportunity to address.

Mr Tonks: What day is that, Mr Chairman, if I may just get a clarification on that?

Mr Silipo: It's next Thursday.

The Chair: Excuse me just a minute. Mr Tonks, one of the municipalities has indicated to us that they may or may not need the full time for next week. At this time I'm unable to tell you, and you too, Mr Silipo, whether or not we have a time available next week. I suggest that when that has been confirmed with that particular municipality, perhaps the clerk could confer with you and, if it's convenient for you, you could return at a convenient time for all of us.

Mr Tonks: I'll certainly do that.

The Chair: We have a few minutes left, not much. We've got time for about one question per caucus, assuming it's reasonable, and we'll start with the Liberal caucus.

Mr Colle: Mr Gee made an interesting comment. He said, "the chief executive officer." You've hired him already?

Mr Tonks: Or her.

Mr Colle: No, he said, "him."

Mr Tonks: But I'm saying "or her."

Mr Gee: He or she is not yet hired, is not yet on board, but we're in an interview process.

Mr Colle: Will you have a clause in the contract that says that his or her hiring is subject to the approval of the new council?

Mr Gee: There will be a clause in the contract very similar to that. There would be a provision for the new council to remove that person in certain circumstances.

Mr Colle: I'm talking about approval of his or her contract.

Mr Gee: I think it's the same thing, with respect, Mr Colle. There will be a clause in the contract which would enable the new council, if it wished to do so, to end the contract.

Mr Colle: But there's no provision there for it to approve the hiring of that person.

Mr Gee: I don't mean to dance around the subject, but there is clearly —

Mr Colle: Old lawyers never stop dancing.

Mr Gee: There is clearly an opportunity in the new council to disapprove and to do something about it if they wish.

Mr Colle: In other words, they have to go through quite extensive legal proceedings.

Mr Gee: No. They would buy out the contract. It's as simple as that.

The Chair: Mr Sergio, you've got a very brief moment for a question.

Mr Sergio: I'll take a very brief moment for a very short question. I was asking Mr Leach one question this morning. In his presentation he said that the new bill would provide the new city with lower taxes and better accountability. He said that question should be directed to the members of the transition team. So there you go, the

question to you: How will the new city come up with less tax and better accountability?

Mr Tonks: I know this has caused some concern with respect to the general reaction. The transition team has looked at what potentially will be increased cost regardless of whether there was a transition or not, whether there was an amalgamated city or not. In order to adjust to even holding the line — and I think everyone would agree that regardless of where you come from, you'd like to hold the line on taxation — the transition team has had to look at areas where there could be savings. We have simply done what councils have done, and Metro is no exception, or the individual municipalities, one of which I come from: We have given priority reduction guidelines and we're saying, "Could you hit them, and what would be the implications?" We're not saying here that we're going to implement them or recommend them. I will be very candid.

In the area of the assessment loss, in the area of the losses that have come with respect to firms closing down and all those kinds of things, there's still going to have to be some funding made up. That's the kind of thing the transition committee is attempting to take into consideration.

If the new council doesn't agree with those premises, they can obliterate them and try and find ways of coming up in reality with adjustments. We're going to try and do our best in advance of their consideration, then they'll have an opportunity to consider what we've done.

Ms Frances Lankin (Beaches-Woodbine): Mr Silipo has a number of I think very important questions, but he has graciously allowed me to put one question to the team.

When you appeared in East York I was able to make a presentation before you, and you know that a number of people from the community spoke about the issue of the effectiveness of the community council and about equity and representation in the councillor-per-resident ratio. East York, in the current iteration of the megacity council, has the highest resident-per-councillor ratio and they, I think, have put forward a very forceful case to have a third councillor elected in East York.

We all understand that the megacity council will be able to deal with that issue in the longer term in terms of boundaries, numbers of councillors, community councils and how they operate. I think from your comments that night that as a group you're actually supportive of what East York was looking for, and maybe we'll see it become one of your recommendations to the new megacity council. Some of us have been looking at a way to try and influence that representation without waiting for the megacity council to make those decisions and for them perhaps not to be implemented until a further election, which would be three years down the road.

To that end I have submitted a number of amendments to this bill. One of them, which I think might be the one the government could find the most support for, would provide a third councillor for East York as a transition member for the first term of the megacity council. That would allow the megacity council to make its determina-

tions about East York and all sorts of other areas of the city for the longer term and to implement down the road.

So far the two lead mayoralty candidates at this point have indicated support for that, all the candidates running for council in East York have indicated support for that, and I'm in the process of surveying councillor candidates around the area. So far no one has not supported it. I just haven't reached them all.

Do you see any reason not to proceed with something? Is there a negative to that? Could you see that work and allow the council to make its decisions for the longer term, but in the shorter term, at least the first term, ensure more equitable representation for East York?

Mr Tonks: I just missed the thrust of what your recommendation would be.

Ms Lankin: The amendment would, as a transition measure, add one additional councillor for East York, so they'd have three instead of two, for the first term only of the megacity council. Then it would disappear at the end of that, but by then presumably the megacity council would have dealt with this issue themselves and made their own determination.

Mr Tonks: I had an opportunity to talk to the member just prior to coming in here. I personally haven't any problem with that, barring implications that may be there. Councillor Sutherland has been working with Willis Blair with respect to that particular issue. I'm going to ask him just to make a response to it. But I would like to just say in passing that the three other members, John Wimbs, Lois Griffin and Willis Blair, are not able to be here because they are holding meetings right now. I'd ask Paul Sutherland if he could just respond to that.

Mr Sutherland: Certainly. I was involved with the public meeting there in East York and appreciated your coming out as well as the other members in the community. It's a big issue, it's an important issue for people there, but there are complications with the legislation that go beyond even this particular bill, which I guess you're aware of, and who is coming in.

Having said that, we expect, in the recommendations we come out with in very short order, by the end of the month, that within there are the possibilities for the new council to address this issue in a very positive way and quite an exciting way, we think. Although it's an issue and it's an important one, once we move on into the new city and how we feel this can function in terms of access to the new city and how people will relate to the city, you may find those recommendations address the issue as well in a positive way.

The Chair: Thank you, Ms Lankin. Mr Silipo, the time for your caucus has unfortunately expired.

Mr Newman: I just have a quick question to Mr Sutherland. You spoke about reconvening the councillors to deal with certain issues. My question is: There's a private bill before the Legislature that has gone through first reading and gone through the committee process. It's private Bill Pr78, An Act to amend the City of Scarborough Act to prohibit leghold traps because it's a major issue in my community. If for example that bill doesn't get

called before the last council meeting of the city of Scarborough, which I guess is anticipated to be at the end of September, if it were to receive approval in the House, would you see the city of Scarborough council being able to reconvene to pass a bylaw to ban leghold traps in Scarborough?

Mr Sutherland: I think that's a good example. It's something in process, so they wouldn't be there to start something new. They wouldn't be there to expend funds. They'd be there to really houseclean. It will take one, two or even three months for the new council to get into the full process of the application, zoning etc. This will give that opportunity to finish up that business and then carry on in the new year with the new council.

Mr Gilchrist: Thank you all for coming before us here today. I just wanted to let you know that we were aware of the Toronto Historical Board situation and we will bring forward an amendment to rectify their charitable status. We appreciate your other submissions. Having just got them, we'll certainly take them all under advisement. We appreciate the detail.

I just wanted to clarify again, Mr Sutherland, and I'm sorry — just as you were answering Ms Lankin, you were talking about other recommendations. What's the expected date that you hope to be making these recommendations?

Mr Silipo: It sounds like it's after these hearings are over.

Mr Sutherland: We're looking at about 10 days. As you realize, these are the full recommendations for the whole corporate structure, community councils. The whole package will be out and we're actually meeting every day on that right now, day and night, just to get those ready to go out and be printed. The plan right now is for 10 days.

Mr Gilchrist: Good luck.

Ms Lankin: Mr Chair, on a point of order: I suppose it's a question. The letter that has been sent to Mr Leach from the transition team which details these, I wonder if you could check with the minister's office to make a copy available to the committee so that we could have that in writing and see the detail.

Also, I think there must be accommodation made for the transition team to come back. Clearly, there are significant questions that must be answered.

The Chair: Ms Lankin, I quite agree and I'm in the hands of the committee. We've run out of time, unfortunately, but I quite agree with you that —

Mr Sergio: Do we have a commitment when the transition team may come back?

Ms Lankin: You'll try?

Interjection: Next Thursday afternoon.

The Chair: Gentlemen, our time has literally expired because the members of the committee have to go to the House to vote. I thank you very much for coming and making your presentation to us.

Ladies and gentlemen, this committee is recessed until 3:30 this afternoon.

The committee recessed from 1159 to 1604.

The Chair: Ladies and gentlemen, we'll reconvene this committee. We're already again behind schedule. I'd like

to tell you what, in my view, we are doing this afternoon. First, Mr Silipo put us on notice that he wished to deal with a motion first thing this morning, and we can do that first thing this afternoon. We will then proceed with the Minister of Municipal Affairs and Housing for half an hour with questions from the New Democratic and Conservative caucuses. We will then proceed with the presentation from the municipality of Etobicoke. If time permits, the clerk has spoken to a number of people. There may be a vote in the House at 6 o'clock, and we will go in 10-minute intervals, whatever number we can get, before 6 o'clock.

The only other thing I wish to advise the members in the gallery and members of the committee, we did have a flurry this morning of a problem from the gallery. There will be no further warnings. If there are any more outbursts from the audience, the public will be asked to leave, with the exception of members of the media, members' staff or members of the ministry staff. All others will be asked to leave for the remainder of the day.

Having said that, that is my understanding of the process this afternoon. We have a lot of work to do.

Mr Silipo: I will try to make this very brief, because I do want to get on with hearing the deputants this afternoon.

I move that the general government committee request the permission of the House to schedule additional meetings in order to be able to hear citizens and organizations who wish to address the committee on Bill 148.

Let me just say briefly I appreciate the fact that we are able to schedule a few people this afternoon. I guess whether we get to them or not will depend on what happens during the course of the afternoon. But I do believe that in addition to that accommodation, it still is necessary for us to provide an opportunity for other people who wish to speak to do so.

What I am suggesting, although the wording in this motion is fairly broad, if there is support at all from the government side, I would be quite happy to look at amendments that would restrict it, if that would make it acceptable, because I'm not seeking here to simply have an open-ended process; I'm looking to have some additional time. I've couched it in this way because we would require the permission of the House, given the time allocation motion, to schedule additional time. I would be quite content with doing that in a way that still allows the committee to finish clause-by-clause on the date that it's scheduled to do so.

I want to be very clear on the record that I'm not seeking to try to extend that time, although there are very good arguments that could be made to do that. I'm not seeking to do that and would really ask members of the government to support this, because it is one way, I think, to indicate that you take with some seriousness what people have to say in terms of the implications that Bill 148 has. While I know that many on the government side see this as simply a technical bill, there are many issues in this bill that people are still very concerned with, and I

think it behooves us to give people an opportunity to address those.

The Chair: Further debate? Seeing none, all in favour of this resolution? Opposed? This resolution fails.

STATEMENT BY THE MINISTER
AND RESPONSES
(continued)

The Chair: We will now proceed to the minister. Mr Minister, you have returned. Thank you very much. I think we had agreed that there would be two 15-minute question periods or statements from two of the caucuses: the New Democratic caucus and the Conservative caucus.

Mr Silipo: Minister, thanks for coming back here this afternoon. There are a number of questions that I am going to try to get through in the time that we have.

I want to talk first about one of the issues that you were dealing with this morning, and that is the costs, in two parts of it. First of all, the transition costs: As you recall, your own KPMG study estimated the transition costs of moving to the megacity at somewhere between \$150 million and \$220 million. Is that a fair assessment of your sense of the transition costs? More important, are those costs that are still going to be borne by the municipalities, or are you going to ensure that some of the transition money that you claim that you set aside is going to be available for the megacity?

Hon Mr Leach: I think the KPMG report said there would be savings of about \$300 million a year after the first three years. In the first year they could foresee perhaps \$150 million in savings, because they would need \$150 million for the transition process. That is my recollection of that report. So, yes, there is a cost of about \$150 million, in that neighbourhood. I don't think that was a precise estimate; it was a —

Mr Silipo: It was a range.

Hon Mr Leach: Yes, a range. But I believe it's in that magnitude.

Mr Silipo: Can I take what you're saying to be that you're not anticipating providing or having to provide any additional revenues or any additional moneys to the municipality to pick up the transition costs?

Hon Mr Leach: We don't believe it will be necessary.

Mr Silipo: You don't think it'll be necessary?

Hon Mr Leach: No.

1610

Mr Silipo: Okay. What about with respect to the actual shortfall of the download, or whatever of the many titles one wants to put? I'm sure you are up to date with respect to the latest figure that we've seen. I appreciate that there have been different figures on this, but the latest one from the Metro treasurer, Louise Eason, is that there is a shortfall of \$208 million to \$260 million. That's not including the transition costs; that's just in terms of looking at when you do the shifts upwards and downwards of the various costs.

You've continued to claim that this is going to be revenue-neutral. I would like for you to reiterate for us here today on the record how far you're prepared to go to ensure that your promise of revenue-neutral is going to be maintained, because people out there don't believe that's going to happen.

Hon Mr Leach: We continue to maintain that it will be revenue-neutral. We've said that we will ensure that it's revenue-neutral. The numbers that we provided to Metro — on August 6 we provided all of the upper tiers with their estimates — showed Metro being either \$13 million short or a couple of million dollars ahead depending on which decision was made on how the education tax was calculated. I don't know where the number of \$280 million comes from; it's a number that I've never heard before. As far as I'm concerned, Metro is going to come out, and the new city of Toronto will come out, as close to even as possible with the magnitude of dollars. You're talking about \$5 to \$7 billion in budgets for the new city. It'll be within a million or a few million one way or the other.

Mr Silipo: I don't have the document in front of me, but that's the figure I understand is there. Again, I don't want to quibble about the exact number because I don't expect that there would be agreement on that. I want to come back to the basic point, because you'll recall earlier on, and I appreciate this is before you made —

Hon Mr Leach: Just something came to mind. That may have been a number that was around prior to pooling.

Mr Silipo: No, the number that was around prior to pooling, if you recall, was \$450 million, and that was from your transition team. I appreciate that the number obviously would have changed as a result of your decision to have the social services costs pooled across the GTA. But even taking that into account, if you go back to the transition team costs and their numbers, there would still be a shortfall, perhaps close to the \$100-million figure.

What I'm getting at — I don't want to get into a numbers dispute with you. We can continue that debate. But what I do want to get at is this basic principle. If there is a disagreement about numbers, there has to be a way to sort that out so that at the end of the day we're all talking from the same fact sheet and from the same numbers. I would like you to address, first, are you committed to ensuring there is that kind of a process that will ensure that we're talking about the same numbers — I don't mean me as a member of the opposition and you, but primarily between you and the municipalities? Second, and most significantly, if there is a shortfall at the end of the day, are you saying you will use provincial dollars to make sure that there is no shortfall left for property taxpayers in Metropolitan Toronto?

Hon Mr Leach: What we've said is that we know that it's revenue-neutral on a province-to-total-municipality basis. Where the disparities come in is when you start to look at individual municipalities. We know there are some municipalities that are going to have shortfalls and some are going to be ahead of the game. We've set up a fund of about \$570 million which would be ongoing to ensure that

those municipalities that are faced with a shortfall would have transition moneys to look after that.

Some of those subsidy payments will be ongoing forever because there are some municipalities, particularly in rural and northern Ontario, where we know the assessment base that they have just can't pay for the services they have to deliver. But in Metro we're confident that will come out as close to even as we can forecast at this point in time.

Mr Silipo: Again, what you're saying is that you're confident that there won't be any need for you to do anything. But what I'm asking you to do is to give a guarantee here today that if there is a shortfall, you will cover it.

Hon Mr Leach: We've repeatedly stated that we're going to ensure that this process is revenue-neutral for every municipality in the province, not just Metropolitan Toronto. I've just been provided with a copy of the numbers that we provided to Metro on August 6 showing the two alternatives for education tax, and depending which one you choose, with one option, they're \$4.8 million ahead and with the other option, they're \$13.6 million in the hole. That's a very, very minor amount of money when you look at the total budget of the municipality shown here at \$5 billion. That's as close as anybody's going to be able to calculate at this point in time to breaking even.

Mr Silipo: I would be interested in seeing some of those numbers, because while we obviously have access to some I think, if the numbers keep changing almost on a daily basis, it would be useful for us to have those before —

Hon Mr Leach: I believe you do have them. I released them at a press conference in the next room to this one.

Mr Silipo: What I'm getting at is the disparity between those numbers and the numbers that we are now getting from Metro. When we get to the other presentations I'll be interested in hearing from some of the mayors and others about how they come up with different numbers and how we reconcile that.

Hon Mr Leach: I can tell you that we intend to sit down with all of the municipalities right across Ontario over the next several weeks, through the end of September and into the middle part of October, to go over the numbers, not only at the upper tier but all of the lower tiers, so that everybody will know exactly what the numbers are and reconcile them with their numbers.

Mr Silipo: I want to move to a couple of other areas. One of the concerns, and this is one of the regrets I had this morning in not being able to get questions to the transition team, and I do hope that they will be able to come back next week and we'll be able to get to them. But in terms of the work they have been doing as it relates to the various boards which you are amalgamating under this legislation and the role that will be played by the community councils, where is that issue in terms of any kind of ongoing role that the community councils will play, for example, vis-à-vis the health board, vis-à-vis the library boards, just to mention a couple of them?

Hon Mr Leach: As you stated, we've asked the transition team to look at that and report back on it. My understanding is that they intend to have a report ready to issue within the next 10 days and they're going to be dealing with precisely that issue: What is the role of the community councils and how will they relate to the various boards, agencies and commissions? They will have recommendations that they will make to the new council when it's elected, and the new council will either accept, reject or modify those recommendations that are given to it by the transition team.

Mr Silipo: You may recall that one issue that was left dangling when we dealt with Bill 108, the libraries bill, was the question of the Metropolitan Toronto Reference Library. I appreciate that this isn't primarily within your domain, but I do want to seek your position with respect to something that I think we heard support for, even from some of your government colleagues, when the argument was made that, even if you were going to amalgamate the various library boards in Metropolitan Toronto, there was a logic to maintain the separate structure of the Metro reference library board, given that its function is very different than the other library boards. Is that, in your mind, still an open question, because we have to address it, it seems to me, legislatively through an amendment to Bill 148.

Hon Mr Leach: My understanding is that we're going to expand the Toronto board to include all of the other boards, which will include the Metro reference library. There would be a Toronto library board which would include —

Mr Silipo: That's what your bill says now, but what I'm asking is, will you still consider the possibility that many in the library communities who appeared before us on Bill 108 said very clearly that what should happen here in Metropolitan Toronto is, if you want to amalgamate the area library boards — okay, people disagreed with you on that, but they realized that your mind is made up on that, but notwithstanding that — you should still maintain a separate governance structure for the Metro reference library, given that its mandate and its function are very different than the other library boards?

Hon Mr Leach: That's not our intent at this point in time, but I would certainly be pleased to take that under consideration and we can deal with it. As a matter of fact, I'm not aware of that request being made. Was it made under 108?

1620

Mr Silipo: We sent the motions that would have done that on Bill 109 to the transition team. We haven't heard back. Again, it's a question that I didn't get a chance to ask and hope that we will, but I've asked your colleague the Minister of Citizenship a couple of times in the House on this. She quite frankly hasn't shown — she showed some openness on some aspects of this in terms of funding, maintaining the funding relationship between the province and the Metro reference library, but not on the governance structure. It seems to me that is one place where you can at least show some willingness to understand that there is

a difference here between these different bodies that warrants a separate governance structure continuing.

I want to come back to this question of services, and again I hear what you're saying, Minister. I'm not convinced, but I hear what you're saying, that you don't think there will be a shortfall at the end of the day. I can understand your answer being that the problem won't arise, but clearly people out there believe, not just the politicians but the people who are providing the services, people who are in any way affected by the services, that what we're going to see in Metropolitan Toronto as a result of the megacity is either or both of a reduction in services or/and an increase in property taxes. I want you to tell us that your notion of an even trade at the end of the day will mean that, for example, we're not going to see fire stations close, as some people are telling me is going to happen.

Hon Mr Leach: The transition team has informally advised me that they are quite confident that they can bring in a budget that will maintain all existing services and have no increase in taxes, and there are a number of notable politicians within the Metropolitan Toronto area — Mayor Lastman, who is running for mayor, has publicly come out and said that he has examined the numbers and he is confident that the services can be maintained in the new city of Toronto without any increases in taxes for the next three years.

Mr Silipo: I have a fair amount of respect for Mayor Lastman, but he also said — I mean, again, he's not scheduled to appear. We invited him to appear, and I would have been interested in him addressing this issue among others. But he also said that that would have to be done by reducing by some 3,000 the number of people who now provide services.

Hon Mr Leach: That's always been well known. We knew that there would be about a 10% reduction in staff. I think the original estimate that was put forward by the consultant was a 4,500 reduction in employment as a result of getting rid of all of the waste and duplication and overlap that exists at the current time. That can be done through the normal attrition rate and with severance packages.

Mr Silipo: That may very well be, Minister, but surely if you have 3,000 fewer people, those are people are now providing services. We're not talking about a nice, clean kind of situation here where you can say, "Yes, you can do it because you can do it through attrition," as if somehow those people are expendable. If you don't want to think about the individuals, then think about the services that those people are now providing. At the end of the day, it comes back to that equation: You are either cutting services or you're increasing taxes.

Hon Mr Leach: You obviously haven't grasped what we're trying to do here. We're trying to get rid of the waste and duplication that currently exists. We're saying that if you amalgamate the cities that currently exist in Metro, you can provide better services at less cost.

Mr Silipo: Yes, I've heard the rhetoric. I think I've grasped the rhetoric very well, thank you very much. I'm trying to have a conversation with you on this.

Hon Mr Leach: Well, others have grasped it.

Mr Silipo: Spare me the BS, quite frankly.

The Chair: Mr Silipo, before this gets out of control, I'm afraid you've run out of time.

Mr Silipo: All right.

The Chair: Thank you very much. Mr Minister, we're now on to the Conservative caucus.

Mr John Hastings (Etobicoke-Rexdale): I guess my first question to you, Minister, would relate to the concern some of my constituents have in Etobicoke-Rexdale, now Etobicoke North, who are working in varying municipalities that will be amalgamated into the new city. Their primary concern relates to pension benefits.

To what extent can you give assurances that when they are amalgamated into the new entity their pension rights are protected? I've looked at the act and it would seem that is assured. But there seems to be an impression in the public that somehow or other some of these employees may end up getting the short end of the stick if they were in one of the old pension plans of the city of Toronto; for example, the old city of Toronto fire department that goes back into the 1950s.

Hon Mr Leach: This legislation ensures that all the existing pension plans that will be there on December 31, 1997, will continue to exist on January 1, 1998, and would continue to exist thereafter. That's why we require this legislation, quite frankly: to ensure that existing pension rights and existing official plans and any number of things are there to ensure that we have a smooth transition to the new city.

Mr Hastings: The other side of the coin — this came up and I had two different conversations last weekend on different sides of the same issue — is ratepayers who are looking at the efficiencies, potential savings, that can be achieved out of the amalgamation. They would like to know whether, when OMERS announced that they would be reducing the amount of contributions per municipal employee, whatever agency, board, commission or municipal government they were in, would there be any potential savings coming out of those reduced contributions, even if you hardly reduce the number of employees in the new amalgamated entity?

Hon Mr Leach: The last report I saw from OMERS was that they were going to reduce the contribution both for the employer and the employee, and the total saving by doing that was \$300 million; \$150 million of that was saving to the employees and \$150 million of that was to the employers. A percentage of that would obviously apply to the OMERS pension plans in Metro, but I don't have them. I don't recollect the —

Mr Hastings: That's over about a five-year term, if I recall?

Hon Mr Leach: I believe it was three, but I'm just giving you that number by memory. I don't have it here in front of me.

Mr Hastings: Okay. The next issue I'd like to deal with is the Metropolitan Toronto Reference Library board. Folks have said to me, in fact they asked way back, why it was necessary to have a separate Metro reference library board. I'd give them the history of that and how it arose out of being connected to various institutions in the past, including the Toronto Central Reference Library etc.

They pointed out to me that they believe there ought to be one board covering the whole amalgamated city, even though you could have somewhat of a provincial mandate in it because there are a lot of people from outside Metro Toronto who come and use it for business or research purposes. My concern is, if we think about a separate governance proposal, would we not be going against our own message of reduction, duplication etc? Why isn't there an elegant logic to having one unique library board for the whole city of Toronto, the new city?

Hon Mr Leach: That's what we're proposing in this legislation; that there be one board and the reference library be part of that board. The transition team, as I think I mentioned earlier, has been asked to review the option of having a separate board for the reference library because many people feel it is unique and different and should have its own governance structure. The transition team is reviewing that. I'm sure that will be included in their report, which will come out in the next several weeks.

Our belief, when we drafted the legislation, was that there should be one board and the reference library should be part of that board, but we're quite willing to listen to arguments to the contrary.

1630

Mr Hastings: Do you think the mandate that it has now would sufficiently justify a separate governance structure?

Hon Mr Leach: I think they should have the opportunity to put forward the arguments as to whether it's unique enough or whether it should be part of one total library board for the city of Toronto. As I've said, when we drafted the legislation and when we looked at it, we felt it was more practical and more efficient and more effective to have one board which would be responsible for all the libraries in Toronto, including the reference library. But as I've said, we're quite willing to listen to arguments to the contrary, and if those arguments can be made positively, we would be prepared to consider an amendment. The transition team has been asked to look at that very specific issue, and I'll look forward to getting their report on it.

Mr Hastings: Do you expect — my final question, Mr Chair.

The Chair: One more, Mr Hastings. You have some other colleagues waiting.

Mr Hastings: Do you expect the transition team to deal with the issue of severance of existing employees in terms of costs etc, and will these costs be covered out of any of the restructuring funds we have?

Hon Mr Leach: The transition team will provide an estimate. They're going to provide an estimate on the

number of employees who are affected and an estimate on what the total cost of the transition would be. But I think it would be up to the new council to determine the type of severance package that they want to offer to their employees. There will be some suggestions and recommendations made to the new council, but they would have to sit down and make that determination themselves.

Mrs Munro: Minister, I just have one question that relates to much of the discussion we heard earlier in the year, and that is the fact that people see their communities defined by the planning process and by the unique qualities that go into any kind of planning. My question then is, are people to have some assurance that those features of official plans will be maintained?

Hon Mr Leach: Yes. That's also included in this legislation, that we're going to maintain all the existing official plans for each of the current municipalities and they will remain in place until such time as the new council chooses to create a new official plan. As I think everybody in this room recognizes, the creation of an official plan can be a long process. It requires a lot of public input. They can be several or more years in the making and it's a major undertaking for any council, let alone it will be a major undertaking for the new city of Toronto council. As a result, in this legislation we have stated that the existing official plans would continue to be maintained until the new council changes them.

Mr Gilchrist: Minister, a couple of questions. Let me just start off, when the subcommittee met, the question came up whether the transition team would be a better choice this morning than a technical briefing, and that's fine. We were happy to go along with that. They clearly have a role to play in all this. But in the absence of a formal technical briefing, I think a lot of people probably could be excused for having the wrong impression about what this bill is exactly. We've heard Mr Hastings talk about pensions and Mr Silipo and Mr Hastings mentioned library boards, but I wonder if you could explore in further detail exactly how technical and how detailed this bill is and exactly what its overall intent is.

Hon Mr Leach: The intent is to ensure a smooth transition to the new city, and it's primarily an administrative bill, a technical bill, to make sure that those services that everybody has grown accustomed to having every day when they go out in the city — the Toronto Transit Commission, the ambulance service, the Toronto Island ferries — that all of those services will continue to be maintained when the new city is created. Bill 103 calls for the elimination of the existing municipalities and Metropolitan Toronto, so this bill is absolutely essential from an administrative standpoint to ensure that all of those services can continue to be maintained and operated in an efficient manner when the new city comes into being on January 1, 1998.

Mr Gilchrist: You talk about how this is an extension of Bill 103. I certainly recall having sat through all those hearings, and many of our elected colleagues and many other people who spoke at the hearings dealt with all of the subjects that you've just mentioned. I mean, we had

people who talked about the TTC and people who talked about health boards and talked about the rights of the employees and all of those things. Would it be fair to say that everything that's in this bill has already been covered in that context, the Bill 103 hearings and the overall debate that was held about the amalgamation?

Hon Mr Leach: Yes. All of the policy issues, I think, were covered in Bill 103, and I think the debates that went on on Bill 103, which were extensive and comprehensive, covered the rationale and the policy determinations behind what we're doing. This bill is putting in the administrative and technical requirements to ensure everything that was done in Bill 103 can be carried out.

Mr Gilchrist: If I can just ask you about one specific we heard back in 103, and I'm sure my memory is not failing me, and again many of the members of the opposition parties and many others who sat where you're sitting and had a contrary view about the goals and objective of Bill 103 suggested, in fact accused the government, that we would be raiding the reserves and that we would be begging the parts of Metro Toronto that had been good stewards, that had perhaps been charging higher tax rates but from those higher tax rates had been able to put aside the dollars.

Have you had any correspondence from any of those critics or from any of the mayors who have reflected, now that Bill 148 has put on paper what we said would be our goals, that we would not be taking the reserves from one part of the city to another?

Hon Mr Leach: There may have been, but not to my recollection; I haven't had any correspondence from anybody on that matter. But we said at that point in time that we had no intentions of touching the reserves of any of the existing cities, and this legislation confirms that.

As a matter of fact, it gives the new council the ability to ensure that the reserves of any of the existing municipalities are spent in those municipalities. I mean, the last thing we wanted to see was a council go out and recklessly spend its reserve dollars on projects before they were required, and this legislation allows them to carry on with their normal five-year capital plan under their current official plan, using the reserves that were set up for those projects in a proper, timely fashion.

Mr Gilchrist: You had a good back and forth going with Mr Colle this morning. I don't think it was his intention to suggest that East York or York or some other part that does not have reserves should be profiting from North York, but the question, I think, tangential to that is the whole issue of services. Again, correct me if I'm wrong, but the position we heard from many of the critics was that North York likes twice-a-week garbage pickup and that some other parts of Metro Toronto like the fact that there is free use of hockey rinks, and there are different fees that have been set by the different portion. Are all of those individual characteristics of the city maintained and reflected under Bill 148?

Hon Mr Leach: Yes, they are, and again, that was the intent, to ensure that if the new council in the city wants to have different levels of service in different parts of the city

they have the ability to do that. That's not new. When Metro was formed in 1954, I know in Forest Hill, for example, there were different services than there were in the city of York, and there were different services in the community I happen to live in, in Moore Park, than in other parts of the city. There were different mill rates struck to ensure that the people who were receiving the higher levels of service paid for that higher level of service, and this bill will allow the new council in Metro to do that as well.

Mr Colle: That's not true. That's not correct.

The Chair: Minister, one last question. Mr Colle, you had your turn. You know the rules.

Mr Colle: Forest Hill had the same —

The Chair: Mr Colle —

Hon Mr Leach: Not an issue.

Mr Colle: Well, back in 1954, but for the last 20 years, Forest Hill's mill rate has been the same —

Hon Mr Leach: Well, that's what we're saying here, Mike, that this is a phase-in over eight years, over the next eight years. Within eight years they have to come to a common mill rate, but over the next eight years they would be able to have varying mill rates to ensure that different levels of service can be provided in different parts of the city and that reserves in certain areas can be spent in those areas.

Eventually, you have to move to a uniform mill rate right across the city, and we're saying that we believe an eight-year time frame is appropriate for that.

The Chair: Minister, thank you very much to you and your staff for coming this afternoon again and listening to questions from members of the committee.

Hon Mr Leach: My pleasure.

1640

MUNICIPALITY OF ETOBICOKE

The Chair: The next item on the agenda is Mayor Holyday, who is speaking on behalf of the municipality of Etobicoke. Mayor Holyday, welcome to the committee.

Mr Doug Holyday: It's nice to be here.

The Chair: We've had some delay. Thank you for cooperating. I think you were originally scheduled at 3:30.

Mr Holyday: Well, it was rather short notice to even appear here and I didn't really plan on appearing, but when we were invited, I thought I would check with our staff out in Etobicoke just to see if there were any concerns they would like me to come down here and express. The concerns I have here have been prepared by our staff, and really there's only about four of them. I would like to put their concern and then hear your thoughts. If anyone has any questions of me, I'd be pleased to try to answer them.

The Chair: We appreciate your coming sir, and your indulgence. Thank you.

Mr Holyday: Thank you. I don't think I'll need all my time. The first question they have is on section 107 of the Municipal Act, which severely limits the powers of the outgoing council between November 10 and December

31. I guess under the system we've been operating on, the lame duck situation only exists maybe for a couple of weeks. They're concerned that this November 10 to December 31 is a rather long period of time not to really have anyone in actual authority there. They're suggesting, I think, that an exemption from section 107 would enable either old councils to continue functioning or senior staff to conduct business.

I can't really elaborate on what their concerns are there, but I think they're just concerned that there will be some matters that would come up that would need looking after that the old council particularly wouldn't be in a position to deal with, whether there would be some authority for city managers or senior staff to handle things that could occur during that period. I would like to know if anyone has previously discussed this or if this concern has been raised elsewhere.

The Chair: Mr Holyday, we don't have any set rule as to how we're going to proceed with your presentation. You can give your presentation and questions can come from members of the committee, or I have no problem if you want to stop for a while. Again, the floor is yours.

Mr Holyday: If I can read the concerns that the staff has given to me, and then following that, maybe through questions, we might get some dialogue and some answers here.

Pensions and benefits: I know you were speaking about that earlier here. Bill 148 deals with pensions and benefits but does not specifically refer to continuity of accumulated service and participation in OMERS. An amendment could ensure that participants in OMERS are protected against interrupted service claims. The status of pension bylaws in existence but not passed under the Metro act should be clarified. The bill only addresses those referred to in the Metro act, section 4, subsection 1. Bill 148 states that the assets and liabilities of the old municipalities are vested in the new city on January 1, 1998. As pension assets may be argued to be the assets of the beneficiaries, they should be specifically referenced in the legislation for investing in the new city.

I have a section here on local boards. Sections 91 through 93 and 129 deal with non-specific local boards. Council is afforded the ability to merge two or more local boards into a new board. However, council does not appear to have the ability to terminate any of the existing local boards. An amendment is required in this regard.

Then they have a miscellaneous section here, where they are saying private-public partnerships are not addressed in Bill 148. In Etobicoke we have several of these in our parks system where we've gone out to propose a call and develop golf courses and some other things that are usually built with private money on public land, but we're partnered in some respects. In the end we own what has been built, but after a period of time.

Anyway, the new city should be given the power to incorporate companies or own shares in companies subject to provisions established by regulation to permit the municipalities to decrease the cost of municipal services or to raise revenues.

Those were the matters that were brought up by our staff out in Etobicoke. In view of the fact that we were offered the opportunity to come down here and have a word, those are our comments.

The Chair: Okay, Mr Holyday, if that concludes your comments, we have a substantial amount of time for members of caucus. Let's see how we go with Mr Colle.

Mr Colle: I guess we could ask that question of staff. What happens with the lame duck period where you've got a council that's elected November 10, yet the new city doesn't take effect until January 1? Who runs the shop during that month and a half?

The Chair: Ms McLaren. Perhaps for the record you could identify yourself.

Ms Elizabeth McLaren: Certainly. Elizabeth McLaren, assistant deputy minister, Ministry of Municipal Affairs and Housing. The existing councils are continued until that time and so they can sit, and under the Municipal Act some of their powers are restricted under the lame duck provisions. But they do still sit as council and can certainly take action in any sort of an emergency. The transition team did raise this morning the issue that perhaps there needs to be an amendment to facilitate some decisions made in the lame duck period. That will be something that the minister will be looking at as we move towards clause-by-clause in the amendment stage.

Mr Colle: So November 10 you have a newly elected council. The former councils of the seven municipalities traditionally used to go to December 1, I think.

Ms McLaren: Yes, that would be normally when the new council would take effect.

Mr Colle: In this case here, we're saying that those old councils are continuing to function?

Ms McLaren: Yes, they are continued. The legislation, Bill 103, continued the existing councils past the normal date of December 1 to January 1.

Mr Colle: So they can continue to meet and make decisions. Are there any restrictions?

Ms McLaren: The standard restrictions under the Municipal Act will continue to exist throughout that period of time. But yes, they can meet, and Bill 103 also empowers them to make any emergency decisions that might be required in that period of time.

Mr Colle: Oh, so it's just emergency decisions they can make?

Ms McLaren: And anything else that's not prohibited. I'm sorry I don't have my Municipal Act. This is David Spring from our legal branch. Do you want to answer that?

Mr David Spring: Mr Chair, section 107 of the Municipal Act is entitled "Certain acts not to be done by councils after polling day," and councils are prohibited from passing "any bylaw, except a bylaw with respect to an undertaking, work, project, scheme, act, matter or thing that has been approved by the municipal board, or resolution for, or that involves, directly or indirectly, the payment of money other than that provided in the estimates for the current year."

They may not: "enter into any contract or obligation on the part of the corporation; appoint or dismiss from office any officer under the control of the council; or do any other corporate act, except in case of extreme emergency, or unless the act is one that the council is required by law to do or is one that the council is authorized to do by a resolution or bylaw passed before the day the poll is held or the day the members of council are declared elected."

Mr Holyday: Our concern I think has to do with these contracts that could come up in that almost month and a half or over month and a half period to keep the municipality in operation and who is going to enter into those contracts. It's not going to be allowed that the lame duck council would do that, so who would?

Mr Spring: The terms of the Municipal Act, as I understand them, would forbid the entering into that contract unless you could justify it as a case of extreme emergency.

Mr Holyday: So we just quit buying anything for six weeks.

Ms McLaren: No, the onus is that you couldn't expend any money unless that had been provided for in the budget. If this was part of your budget and part of your normal expenditures, then you can carry on and do that. It would be a contract that had not been thought of, did not form part of the municipal budget or had not been dealt with by council beforehand.

The Chair: I think that members are starting to put up their hands. What I'm proposing on doing is simply dividing up the time among caucuses. If Mr Colle is finished, we'll move on to the New Democratic Party.

Mr Silipo: We may not need all the time.

The Chair: That's true.

Mr Colle: I think it might be helpful if perhaps there is a written response to the mayor's concern on how to deal with this interim period so that there is a clarification. It seems that if something has been budgeted for in your budget, then you can go ahead and expend those moneys, and I guess get into agreements or contracts, because it's already in the budget. That's what I read into it. So I think it might be helpful to get a written presentation.

Mr Holyday: I think one way to handle it might be if there was some requirement that came up in the municipality they would contact the ministry and seek permission to do what it is that they have to do and the ministry can judge whether it's necessary and then grant permission if required.

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Mr Colle: I think it might be helpful if they put that in writing in terms of process perhaps, because it's never happened before, this length of period. It used to go for a week or two. There was an interim period. But now this is quite lengthy. Especially when you're dealing with such a large entity, it's not like before, so there's going to be things that are going to come up.

Mr Holyday: There's definitely a concern by our staff in this regard, so I just bring it to your attention.

Mr Colle: That's all I have.

Mr Silipo: Just on that point first, you may know, Mayor Holyday, that the transition team also addressed this issue, though they were talking more about the Planning Act applications, I gather. They were suggesting that changes be made to section 107 of the Municipal Act to allow the old council to have those powers to deal with applications that might be ongoing, which quite frankly at one level I can understand and at another level I have to say this is part of what comes when you put a piece of legislation in place like this without thinking through these kinds of implications. So now you're going to have the interesting situation where you have a month and a half, rather than the normal two-week period, of transition and we have to deal with this. I guess it's just something people have to reflect on.

I appreciate the other concerns that you've outlined. I think we'll certainly take a look at what that involves, whether it requires amendments to deal with those. But I was just curious, quite frankly, that I didn't hear anything from you with respect to what is going to happen in the new city as it relates to the whole issue of the download. Is it because you believe what the Premier and the minister are saying, that this is all an even trade, or why? I would have expected to hear something from you on that and I'm just surprised that I didn't.

Mr Holyday: I think that when you're dealing with figures, of course, they can be presented in various ways. I'm sure that's what's going on. I also think that you're into a process of negotiation when you're dealing with figures. But the government has stated that this will be revenue-neutral, that the amount added to the municipal tax burden will be taken away in another area, in the education area. I'm counting on that happening. I've been supportive of this government, as you probably know, but certainly I'm expecting that they're going to live up to their word here. I expect to be a member of the new government and I'm going to see that that happens.

Mr Silipo: You're not looking then for anything beyond that kind of guarantee? You wouldn't, for example, say, "It would be nice to have this in legislation, thank you very much"?

Mr Holyday: I think it would be nice, as the minister was suggesting when he was here earlier, that they would be coming out to the municipalities and dealing with the individual figures and the individual municipalities to actually show us how they see this breaking down.

You were wondering whether there are savings involved here. I think that there's no doubt that there are savings involved here if you're going to start to merge, say, fire departments. You don't need six chiefs any more, so you're going to have one. Certainly there are the artificial borders that are out there now that probably call on us to have stations in positions we wouldn't have if it weren't for the artificial borders. I think once we take a look at that picture from the broader perspective, we'll probably have the possibility of relocating or becoming more efficient. I think that will apply throughout the whole system, where you just won't need as many things in place

as you have when you're operating six or seven different departments.

So I'm counting on this being more efficient and working. I think the fight over this has taken place. It's over now and we're charged with the responsibility of making it work. I'm hoping that the people will elect people who are determined to make it work and will try their hardest to do it.

Mr Silipo: But is it fair to say, notwithstanding that, that one of the bottom lines has to be that it is up to the government to ensure that it is revenue-neutral?

Mr Holyday: Yes, it is. I don't think they could expect us to go into this new situation with all these changes occurring and then put one of our legs in a hole. We can't have a foot in the ground somewhere and have more expenses to deal with than we started with. First off, that's not going to solve the problem. It's not why we got into this in the first place. The meetings have been going on for many years now as to how to get rid of the duplication and how to improve efficiency and how to reduce our taxes so that we're more competitive with Mississauga and we don't lose our businesses to them any more. Certainly that would be very counterproductive if all of a sudden we got more property tax for these people and we drive more of them away. So I can't see that happening. As I said, I'll be on there and certainly speak my mind to make sure that it doesn't happen.

Mr Silipo: So we shouldn't see a situation next spring, when people get their final property tax bill, where it has property tax increases?

Mr Holyday: I'll certainly be working to make sure that doesn't happen. That's the goal I have. I'll be running on that platform too, no tax increase.

Mr Silipo: That's fine, but no property tax increases because there won't be a need, as opposed to property tax increases because the new city may have decided to spend more money on something? But no property tax increases because it will be an even trade?

Mr Holyday: Right, no property tax increases for any reason. Now, having said that, within the reassessment there are going to be some changes occur. I don't think either you or anybody else can alter that. We're getting fairness out of it; that's the aim there.

Mr Silipo: I'll look at my own property tax bill with a lot more interest this coming year than I have in the past, as I'm sure many others will.

Mr Holyday: Do you live in Etobicoke?

Mr Silipo: No.

Mr Holyday: Too bad.

The Chair: I'm glad to see a politician always looking for votes. Mr Silipo, you've concluded?

Mr Silipo: Yes.

Mr Hastings: Mayor Holyday, in your conversations with staff, have you been able to identify what specific areas of activity or responsibility they are concerned about in that dead-end time frame between mid-November to the first of 1998?

Mr Holyday: No, they didn't specifically say this or that, but I guess they just recognize that it's an extremely

long time, something that's never happened before, and that there are things that might well come up that there's no one really in charge to deal with over that month-and-a-half period, six-weeks or better. They put that down as a concern and I said I'd express it.

Mr Hastings: Would these be contracts that are possibly expiring in that dead-end time frame?

Mr Holyday: Could be. Could be something coming up, could be something that's needed. Who knows? Things hit town once in a while that we don't expect.

Mr Hastings: A question to Ms McLaren then: The city of Etobicoke has entered into a contract for a private sector sports medicine clinic to be established at the start of this year, or it could have been even late 1996. I'm wondering whether that sort of specific situation would warrant the government looking at an amendment, not necessarily for that specific item but for similar, like-minded items that we haven't thought about that could be investigated in other parts of Metro, the other Metro cities or Metro itself.

Ms McLaren: I'm not totally familiar with the issue, but I think as we've been saying, if the decision has been made by the council to enter into an agreement, then the existing council can carry on with that agreement. If the council has already entered into the agreement, then Bill 103 provides that all of those agreements carry on for the new city and are binding upon the new city. If the council has already made the decision and the agreement's in place, then there's not a problem.

Mr Hastings: The question I'd like to ask you, Mayor Holyday, is regarding how you anticipate the new city council would deal with garbage contracts, because the city of Etobicoke has an outsourcing arrangement, whereas the other municipalities, as far as I know, do not have that situation.

Mr Holyday: I fully expect on January 2 things will operate much the way they do January 1 or December 31. We will pick up our garbage in the city of Etobicoke as part of the overall new city, and North York will do the same and Scarborough and so on will do the same. The way that we've chosen to pick ours up is with a contractor. We save \$1.5 million a year by going that route. We've got a contract for five years; it's about two years old now with a two-year extension that, at our option, we might want to take advantage of. I'm pretty sure that that's exactly how the garbage is going to be picked up, which is exactly the way that it is right now.

1700

Mr Hastings: Your staff also mentioned something about section 4 of the act regarding pensions. What would you like to see as a proposed amendment or what would you suggest that is not included, that you mentioned earlier, that ought to be included in terms of continuous service of employees? Is it section 4?

Mr Holyday: I guess there are two or three concerns under pensions here. The one was, Bill 148 deals with pensions and benefits but does not specifically refer to continuity of accumulated service and participation in OMERS. An amendment could ensure that participants in

OMERS are protected against interrupted service claims. Now, that may or may not be a real concern. I don't know. I guess your pension authorities down here who have helped with your wording could take a look at that and if there isn't a concern, I'd be pleased to pass that on.

Also, it says that the status of pension bylaws in existence but not passed under the Metro act should be clarified. The bill only addresses those referenced to the Metro act. That's subsection 4(1).

I guess their other concern was that Bill 148 notes that the assets and liabilities of the old municipalities are vested in the new city on January 1, 1998, but as pension assets can be argued to be the assets of the beneficiaries, they should be specifically referenced in the legislation for vesting in the new city. Again, your lawyers might take a look at that and say, "Well, that is not needed."

Mr Hastings: My question would be to the assistant deputy minister or to the legal counsel. Do you think section 6 under the pension arrangements sufficiently deals with continuity of service and beneficiary ownership of the pension assets? That one I don't see covered at all in any of those areas.

Ms McLaren: We'll certainly make every effort to look into that. The intent under Bill 103 was to continue the employment and the employment status of people who are moving from one of the existing municipalities to the new city, and their pension rights in OMERS would be continued. We have had a ruling that there is not going to be a break in continuity of service, so they will be employed in an OMERS pension plan and they'll continue in an OMERS pension plan. We didn't think that there was a problem, but if the staff in Etobicoke have raised that, we will certainly check that. We will certainly check with OMERS, and if it's deemed that another amendment is necessary, we will discuss that with the minister and see what has to happen.

Mr Hastings: Okay, thank you very much.

Mr Gilchrist: Thank you, Mr Holyday, for coming back before us again. I know at times you were a voice in the wilderness in terms of the overall principles behind the amalgamation, and you are to be applauded for that. The bottom line is that this act, I think, proves a lot of the submissions that we made and the comments that we made addressing some of the criticism of those who thought that we really weren't serious about preserving the unique services, that we weren't serious about preserving the reserves — and the liabilities. We have to stress that, because certainly the suggestion was made back in Bill 103 that all of the component cities were flush. They talked about assets, but some of them very conveniently left out the fact they have liabilities that exceed their reserves.

I guess I just wanted to respond to a couple of comments you made. Ms McLaren has talked about the pension issue. Not to belabour the point, but there is no interruption in service. You might suggest that because this is the companion piece of legislation, which is very expressly stated right in the introduction to the bill and in part 1 of the bill, it must be taken in concert with Bill 103.

Because the new employer is deemed in fact to be the same employer, there will be no interruption in service.

I would remind Mr Colle, I think it was who raised the issue, that the whole point of the delay — forgive me, Mr Colle. In response to your comment about the hiatus or the interregnum between November 10 and December 31, the whole reason it was moved back from December 1 was the public input and the input from councillors saying the December 1 transfer was just too tight. So it is somewhat ironic that they are now coming back here and suggesting that it's a sin that we listened to the people and the councillors then and responded.

Mr Colle: No, it was the mayor that brought up the concern. I did not bring that up. The mayor presented that.

Mr Gilchrist: You are just about the rudest person that's ever sat in council, Mr Colle. I know you suffer from verbal diarrhoea, but maybe you could get treatment, okay?

Interjection.

Mr Gilchrist: Well, the bottom line is he had his turn, and he doesn't seem to understand the concept.

The Chair: Gentlemen, let's try not to provoke each other. Let's proceed.

Mr Gilchrist: Mr Silipo's comment: There's a very good reason that Who Does What and other issues wouldn't be part of your presentation. It's not part of this bill. Is it fair to say, Mr Holyday, that the three points that you addressed are the sum total of the comments that your staff had on this bill?

Mr Holyday: Actually, I guess there are four.

Mr Gilchrist: Yes, forgive me. You're right; four.

Mr Holyday: That was it. That's what they've given me —

Mr Gilchrist: So in a 64-page bill —

The Chair: Mr Gilchrist, let's let Mayor Holyday speak.

Mr Holyday: No, that was it. Those are the four comments they've given me, and I just wanted to clarify that we did not suggest there was a sin involved here. We just simply wanted clarification on how we were going to be operating.

Mr Gilchrist: Oh, no. My point was going to be, Mr Holyday, that we have a bill that's 64 pages long, 137 sections if you count the short title of the act. I'm sure you've had a chance to look over it. The overwhelming majority of this bill simply takes verbiage out of the City of Etobicoke Act, the City of Toronto Act, the Municipality of Metropolitan Toronto Act, and repeats them in here.

I just want to ask you: Is it fair to say that your staff have had a chance to appraise the whole bill, and the three comments that you've made are the sum total of their suggestions?

Mr Holyday: Yes.

Mr Gilchrist: Would you agree with me that that would tend to support the argument that this is purely a technical bill that addresses the need to put, in effect, meat on the bones of Bill 103 and to address the concerns in terms of the technical aspects?

Mr Holyday: Well, I might see it that way; others might not.

Mr Gilchrist: It's your views that we're — you have the floor right now.

I guess the only other point I would like to ask you: Are there any other unique aspects of Etobicoke that you see addressed in a way that — for example, in Scarborough we have the Guild Inn, we have the Metro zoo. The way that all of the assets of the component cities flow into the new city: Are you satisfied that any of the park lands, any of the other holdings in Etobicoke have been dealt with in a way that will guarantee your citizens — are you certain that all the aspects of the various services in Etobicoke have been dealt with in such a way that on January 1, all of your citizens will continue to enjoy the benefits of all of those assets and all of those services?

Mr Holyday: Well, I'm not expecting any changes in services. I'm actually supportive of and will be working towards making sure that there are no service reductions whatsoever as a result of any of these changes that are occurring here. I don't expect any changes. We have good service in Etobicoke — in my opinion the best — and we want to keep it that way.

Mr Gilchrist: If the majority of councillors on the new council share your concerns, I guess we have no surprises coming up. Thank you very much.

The Chair: Thank you very much, Mayor Holyday. Unless you have some concluding comments, that appears to be —

Mr Holyday: No, I don't. Maybe you can use my time in another way here.

The Chair: That appears to be the questions of the committee. We appreciate your coming and making your comments to us.

Ladies and gentlemen, we have some time now for members of the public to speak. There is an agenda. We are going in 10-minute blocks and we will proceed until 6 o'clock, so hopefully all people on the agenda will speak. It doesn't look that way, but we'll do our best.

BRONWYN DRAINIE

The Chair: We'll start off with Bronwyn Drainie. Good afternoon, Ms Drainie. You have 10 minutes.

Ms Bronwyn Drainie: Thank you. My name is Bronwyn Drainie. I've spoken before this committee before on Bill 103.

Ladies and gentlemen, many citizens of this province are strongly opposed to the specifics of all of the legislation your government has been inflicting on Ontario for most of the past year. I will leave it to others to pick apart the specific flaws in Bill 148. My concern from the beginning of this horrible year, 1997, has been more generally with the process you have employed in attempting to get this legislation passed.

You have refused meaningful consultation with the citizens. You have ignored a legitimate referendum that expressed the will of the people. You have changed the rules of debate in the Legislature so as to seriously curtail

the ability of the opposition parties, the media and the public to understand the substance and impact of your bills. You have put in place illegitimate, appointed authorities such as the transition team, the Education Improvement Commission and the health services restructuring board to ride roughshod over our democratic right to decide how we should be governed through our elected representatives.

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You have a master record of arrogance, deceit and contempt for the public. You will perhaps remember the one word Judge Stephen Borins used to sum up your attitude when he regretfully ruled that you have the constitutional right to push through the hated legislation known as Bill 103. His word for your government's behaviour was "mega-chutzpah." None of us could say it better.

The circumstances of my speaking to you today are a perfect example of everything that is wrong with this government's method of dealing with the public it is supposed to serve. First of all, you only grudgingly agreed to allow two days of public hearings on this bill, and only very recently, although you have had letters on file for months from dozens of citizens asking to speak to the bill. Of course you didn't want public hearings. You knew that they would only be a repeat performance of the five weeks of public hearings you held on Bill 103, 90% of which came from citizens vehemently opposed to the legislation. But finally you had to give in on Bill 148, as you had on Bill 103.

Second, you decided to divide up the 10 hours to speak on this bill as follows: the first hour to Mr Leach, the minister responsible for the legislation; the second hour for the transition team, that illegitimate body created and appointed by your government to oversee our transition from six municipalities to one megacity; and then an hour apiece for each of the six mayors involved in this ill-fated amalgamation, none of whom, I understand, had requested to speak to this committee, although there were 70 other citizens who had. This would have allowed exactly two hours at the end for the citizens to speak to Bill 148.

You may say that as long as we had our six mayors speaking for us, the views of the citizens had been heard. This of course is balderdash under the current circumstances since we are in the run up to the first municipal election for the megacity and each of these mayors is positioning himself or herself for maximum advantage after January 1.

You may also say that you expected those mayors to bring some citizens with them to speak. With respect, ladies and gentlemen, that is not good enough. The key relationship we're discussing here is between you as representatives of the province and us, the citizens. We don't want or need third parties setting up our opportunities to talk to you.

In any case, your timetable, your latest end run around the citizens, got foiled yesterday when Mr Lastman and Ms Hall withdrew from their speaking slots. I don't know why Mr Lastman withdrew. I understand that Ms Hall

withdrew because she was unhappy about this whole process, for which I thank her. Suddenly your committee was faced with an embarrassing two-hour hole to fill, so your clerks began madly shuffling through the letters they had received months ago from citizens like myself asking to speak at these hearings. I received a phone call from your clerk, asking me to come in and make this presentation, at 5:35 yesterday evening. Since I could not instantly drop everything else in my life, I ended up writing these remarks between 1 am and 3 am this morning.

I don't wish this to come as any kind of criticism of your clerical staff; they have acted with exemplary professionalism throughout this entire period. This is a political problem and this is the kind of respect your government holds and shows towards the citizens of Ontario, particularly the citizens of Toronto.

Another example of your government's mega-chutzpah is the completely bogus Toronto Together polling that is being conducted by students in purple shirts on the streets of our six municipalities. Mr Tonks referred to it this morning. One of your leaders — it was either Mr Leach or Mr Gilchrist, but I'm afraid I didn't have enough time since last night to actually track down the clipping, so I'm not sure which one it was — was quoted in the newspaper as saying how good it was to get this polling of the real views of the citizens, as opposed to all the representatives of special interest groups who had turned up to give deputations on Bill 103.

As one of the hundreds of concerned individuals who gave deputations on Bill 103, I need hardly tell you how offensive that comment was, or how untrue. Most of us who came were simply here to express our attachment to Toronto and our fervent wish that you would consult with us about change instead of vindictively destroying the city we love.

As for the Toronto Together polling, Mr Tonks puts out his PR sheet every couple of weeks in which he insists that the survey is consistent with all industry standards for public opinion research intended for public release, whereas in fact I had a private conversation with the head of one of the top polling firms in the country last month who assured me that this kind of on-the-street polling has been thoroughly discredited for decades as an accurate sampling of public opinion — for decades, ladies and gentlemen.

In the last several months, since April 21 I believe it was, when your government rammed through Bill 103 against the express demands of the citizens, I've met quite a few Torontonians who wonder why so many of us are still fighting this fight: "Of course we hate the legislation," they say. "We don't want a megacity. We know it's going to cost us more and give us less. But what's the point of fighting any longer? We put up a good fight but we lost, and they" — meaning you — "won." Some days I ask myself the same question, but not very often. Most days I know exactly why I continue to fight and to meet with my fellow citizens and to plan for the future and to wait your government out.

One of my friends read out a passage from Vaclav Havel, the president of the Czech Republic, at last Monday's meeting of Citizens for Local Democracy. I will close my remarks today by reading that same passage, in which Mr Havel explains the kind of patient waiting he and others had to practise for years before they were rewarded with freedom from the hated Communist yoke:

"For us," said Mr Havel, "this waiting was based on the knowledge that it made sense on principle to resist by speaking the truth simply because it was the right thing to do, without speculating whether it would lead somewhere tomorrow, or the day after, or ever. This kind of waiting grew out of a faith that repeating this defiant truth made sense in itself, regardless of whether it was ever appreciated, or victorious, or repressed for the 100th time. At the very least, it meant that someone was not supporting the government of lies. It also, of course, grew out of the faith" — but this was of secondary importance — "that a seed, once sown, would one day take root and send forth a shoot. No one knew when. But it would happen some day, perhaps for future generations."

The Chair: Thank you, Ms Drainie.

Ms Drainie: Are my 10 minutes up?

The Chair: Yes, they are.

SEAN SLOAN

The Chair: Next we have Sean Sloan. Good afternoon.

Mr Sean Sloan: Good afternoon, Mr Tilson. My name is Sean Sloan and I am a resident of the city of Toronto. I was called at 11 o'clock this morning, so my remarks will be somewhat brief and a bit disjointed.

To continue with what was said — I didn't have a great deal of time to put this together — I'd simply like to note in the same pointed fashion that Bill 148 and its antecedent legislation and most of the other bills this government has passed lately represent legislation for the industrial age on a production line and to deadlines. It is probably unnecessary, because I don't see that the megacity is really going to last. As it exists or will exist, if it exists, it will resemble, to use a famous simile, the mule. It will be without the pride of the ancestry of its constituent elements and without hope of posterity. It's not really a form that is going to be useful to the future of this region.

First of all, what do the elements of the megacity have in common right now? Not a great deal. What will they have in common in the future? Probably not a lot. The megacity is the wrong way to go. You propose for the disparate cities and municipalities that will make up the megacity one library board, one parking authority, one board of health, one historical board — one size fits all.

1720

The presumed goal of all this is saving, presumably through economies of scale. That makes a certain amount of sense. In the future we are supposed to be more ecologically aware. It will be a less opulent future.

To this point, it should be noted — I'm certain it has been noted before — that the city of Toronto has a somewhat disproportionate number of people who are less

well off, more ethnic, more this, less that. Why is that so? Some people might maliciously say the welfare is better there, though I doubt that's really the point. There may be something to do with discriminatory zoning in other areas not like the city of Toronto.

Beyond all that the essential point is, the city of Toronto has certain advantages of scale. It makes a lot more sense economically than a lot of other places. It has a higher population density and a denser infrastructure; that is to say a lot of things have been provided in the city of Toronto that are not provided elsewhere on the grounds that, as in the old saying about marriage, "Two can live as cheaply as one." At the very least there are economies of scale and everybody doubles up. For example, I don't have a car but I have the TTC, which means I don't have to park a street car.

Essentially the city of Toronto has a lot of things suited for the future as it is likely to be, a place where people can have a decent standard of living in an ecologically responsible manner.

Every great political organization, every great polity is founded on some great principle. For example, Canada is based upon the idea of peace and good government; the US exalts "life, liberty and the pursuit of happiness"; France upholds "liberté, fraternité, égalité." A lot of the outlying portions of what is going to be the megacity assume that gasoline will never rise above \$4 a gallon. That's their basic *raison d'être*; that of course and the cheap serviced land will be infinitely available. All these regions, the city of Toronto and the surrounding conurbations, will be jammed together under Bill 148. If the mores and habits of the numerically preponderant outlying regions prevail — and they probably will; they'll have the votes — the megacity will be established on a basis better suited to the 1950s than the new millennium; that is to say a sort of a spread-out, wide-open, disorganized place. That's my first point.

As far as economics is concerned, the city of Toronto would be better as it is, and I'm certain the megacity will tend to submerge what are the excellences of the other regions. I'm speaking from a city of Toronto point of view. I'm certain these outlying regions have many good things about them, but it's not something I'm really well acquainted with.

The second point is that as Jane Jacobs observed recently, the megacity is likely to be a one-size-fits-all government. To inject the thoughts of George Orwell, in such a situation, the principle that all are equal becomes instead the principle that all are identical. To realize savings using an urban planning model that probably is not going to provide much saving, the tendency to treat all as interchangeable elements resembling ball-bearings will cause all special needs to be ignored. This will be an inversion of what usually happens in the more exotic restaurants, where I'm sitting at a table, I look at the table opposite and I say, "I want what they're having." What's more likely to happen in the straitened circumstances of the megacity is that someone will say: "I don't have that. Take it away from them."

To conclude, I would say that the government that wishes to pass Bill 148 is not warranted in its confidence of having found the answer. In the 1920s people of a certain frame of mind went to the Soviet Union where supposedly it was all happening and they came back to say, "I've seen the future and it works."

In the 1930s people of another turn of mind who came from visits in Fascist Italy and Nazi Germany where supposedly it was all happening said, "I've seen the way things were 1,300 hundred years ago, and it works."

The hot spot in the 1960s was Haight-Ashbury. People who came back said, "I saw some really good pharmaceuticals and they worked so well, I don't care what happened."

The framers of Bill 148 are in a somewhat worse case, I'd say. They don't know what's happening. It's not going to work now. It didn't work in the past, and it won't work in the future.

The Chair: Thank you, Mr Sloan.

MARGARET SIMPSON

The Chair: The next speaker is Ms Margaret Simpson. Good afternoon. Thank you for coming. You may commence.

Ms Margaret Simpson: My name is Margaret Simpson. I am here today to speak as a very concerned East Yorker. In fact, I'm wearing a T-shirt that East Yorkers on their own initiative recently have produced which shows our corporate seal, which is very meaningful to us as East Yorkers, and we have earned and worked with our corporate powers well over the many years. We sadly see them go for the time being, but wearing our T-shirt we can look down and see that those powers will come back. We believe in that; we believe in reclaiming our corporate powers back.

However, over the many years I have realized that sometimes one has to look at transitions to these other times ahead. I realize now that in living in the now, as a concerned East Yorker I am coming to you today to comment on the fact that East York does not have a fair or workable representation or a representational reality to look forward to on the new city council.

I was here this morning to hear the exchange between Ms Lankin, and I've been in the House to hear Ms Lankin, and the minister, and also an exchange between Ms Lankin and Mr Sutherland of the transition team. He spoke of his conversations with Mr Willis Blair on this very big issue that I refer to. He said we could look forward to the new council, and the transition team would propose, in a way the new council could address, a resolution to the unfair representation for East York, that they would propose an exciting and positive way for resolving this issue.

I was indeed encouraged. However, I have been in this issue since November, the second week of November of last year, as many East Yorkers have. Right from the beginning we have asked that this representational issue be resolved prior to the municipal election. This is very

important to us. I am repeating the voice and the request of East Yorkers. We have been consistent about this. We have a history of appearing at all public consultation levels. We will continue to appear, as today, when given the opportunity. We have asked not only for an increase in elected representation, but one prior to the municipal election on November 10 this year.

I also realized this morning that there's a terrific opportunity here for all of us to work towards this together. Not only the transition team, the government's appointed team, but also this committee here have within their mandate the ability and the opportunity to suggest that it could be put forward that an increased representation and a just, workable representation answer the needs of East Yorkers, and also to have it prior to the November 10 election. This is under the section of part XI of Bill 148, "Transitional provisions." I feel that this is a good position and an area where this amendment, or your motion to amend, or your referral to such an amendment, whatever within your process it takes, could find a place and an opportunity, so that not only would this be a process for the transitional stage that is coming from the standing committee, but it also supports your appointed transition team advocacy. Plus, it hears the very definite words of East York that have been consistent, that we need to know prior to the election.

1730

We want to go in talking to our candidates as we are going to talk to candidates with a fair and just increased representation. Last Thursday, Team East York, a group of citizens, appeared in the House. We had submitted to the minister a declaration written by the citizens, myself and co-chair Colin McLeod of Team East York, asking all our candidates, in response to a concern of Mr Gilchrist that was stated in the House, that they state their position on this very question, and they are supportive. In that declaration they signed, all the candidates, they agreed that this should occur before the November election so East Yorkers can walk into the November election voting for an increased representation, one that is proportionate across the board with the other cities that are being amalgamated.

I'd like to say just very briefly to this committee, take this opportunity, work with us together and we can all walk towards this and into this transitional period. I do that because in my past I was once given some very good advice by a man named Joe Sylvester. Joe Sylvester was an Nishnawbe man, and in this city, on Queen Street, is a clinic dedicated to the work of this man. He was an Nishnawbe elder on Cape Croker. He took the time to answer a question of mine. I said, "Joe, when do you know when you've given all the reasons you need to give, when you've looked at all the ways you gotta look, when you've explained as clearly as you can what you are talking about when you see and know you are right that there needs to be a change?" a change as I'm talking about today, that we have a change so we can say we can have an increased representation to work for prior to the November election.

His answer was very interesting. He said to me, "Margaret, the last request you make is that you ask the people you are talking to to walk half a mile in your moccasins." That is what I've come to say to all of the committee today: that it can work, the timing can work if we package this together, the committee taking to the House the recommendation or a motion or a wording of the amendment that is inclusive with the voices and the needs of East Yorkers, that they have this settled prior to the November election. In that way we can walk together for that half-mile. Thank you very much.

The Chair: Thank you, Ms Simpson.

TERRY GODWIN

The Chair: The next speaker is Terry Godwin.

Mr Terry Godwin: Thank you for allowing the public to speak on Bill 148. This is an important bill and it gives a further indication of the direction in which the current government is proceeding.

First I would like to make an observation and a suggestion to the government: Initially the public was not to be allowed to speak on this bill. Some people felt it was not fair to shut the public out of the process. Now a very few from the public are to speak on Bill 148. They have been given about three to four hours' notice to prepare. We all know that this is tokenism. We all know that our pleas will be ignored.

Who won and who lost this round? Has the government neutralized criticism by providing a hollow forum to the public? My answer is, watch the evening news. My suggestion to this government is that they might consider consulting a bit with whomever they see or hear criticizing this process tonight on TV. The government will of course ignore this advice, and as a result it will not be long once again until you provide your opposition with free prime-time media coverage.

One advantage to having such a short notice to prepare this presentation is that I have been able to include an analysis of the speech given by Mr Leach just a few hours ago. I will make one comment on Mr Leach's presentation and one comment on his exchange with Mr Colle, which followed his presentation. This was around 11 o'clock this morning.

"The new council could, for example, examine a former municipality's total financial picture and make adjustments to tax rates which would reflect its findings. In other words, if a former municipality had substantial reserves and very little debt or liability, the council could lower tax rates in the area of that municipality and could do so over an eight-year period. That seems to be very fair to me, as I'm sure it does to everyone...."

This bit of advice sounds optimistic. I suppose the statement is meant to lower fears in the old city of Toronto, but how does this statement sound to East York? Put on your East York hat for a minute and let's look at the statement again.

"The new council could, for example, examine a former municipality's total financial picture and make adjust-

ments to tax rates which would reflect its findings. In other words, if a former municipality had no reserve funds and had debt or liability, the council could raise its tax rates in the area of that municipality and could do so over a period of eight years. That seems fair to me, as I'm sure it does to everyone...."

I've substituted a few pertinent words there. While municipalities with reserves drain their reserves to offset the effects of downloading, municipalities with no reserves face tax rate increases to offset the effects of downloading.

Let's examine a little of the question-and-answer session that occurred earlier today between Mr Leach and Mr Colle. Mr Colle inquired about services in individual municipalities. If a service is treated uniquely in one municipality, eg, it's free in that area but in other municipalities they either do not offer that service, or if they do, they charge for it, then the question was, will that service continue to be offered under the same conditions in that area under the megacity?

Let's say, for example, if North York provides free sidewalk snowplowing to its residents while other municipalities do not, will the new council offer this service under the same conditions to North York? Mr Leach's reply was that that decision will be up to the council as a whole. Think about that. Since the majority of the new council will not be from North York, I think you can figure out whether this unique service would remain free. The effect of having a whole new council vote on whether one area can keep its unique services will be to lower all services to the lowest common denominator. Services can only become worse.

Last, let me reflect on what I call economic religion. I'm sure that to the Harris government, the NDP has their brand of economic religion. Similarly to the NDP, I'm sure the Conservatives have their brand of economic religion. True believers of opposite faiths cannot begin to find agreement.

Just a little reflection on the Conservatives' economic religion, which seems to be in the direction of laissez-faire free enterprise, whose tenets are: Lower taxes to stimulate the economy. Taxes are lowered by cutting support for the most needy. Taxes are also lowered by firing people who are on the public purse.

This whole drama has been and is being played out in the USA, with the result that although unemployment is lower, there is a widening gap between the rich and the middle class; the percentage of workers without benefits has increased, I believe, from about 19% to 24%; and one quarter of the population in the US is one paycheque from the street.

Where does this lead? Take a walk in almost any downtown US city. Feel the desperation, feel the fear. Please think carefully. No, please feel carefully in your hearts whether this is the environment you want your kids to grow up in. Thank you.

The Chair: Thank you, Mr Godwin.

1740

JOHN SEWELL

The Chair: The final speaker this afternoon is John Sewell.

Mr John Sewell: Thank you very much, Mr Chairman. Bill 148 has been called a housekeeping bill by Minister Al Leach, but it is nothing of the sort. It is a housewrecking bill and a bill that rationalizes highway robbery. People in Metro did not ask that a new form of municipal government be imposed on them. They did not ask that their house be rearranged. In fact, when they were asked their opinion on the megacity issue, as you know, they rejected it overwhelmingly.

To say that Bill 148, which confirms the havoc unleashed by Bill 103, is housekeeping is to continue the politics of lies. To say it makes good financial sense is to deceive. Worse, government members on this committee have participated in an attempt to hijack the public process. Imagine allotting a mere 9 hours to consider this complicated legislation, and then to do it in a way that doesn't give a single citizen a chance to speak. Shame on you, and then for the Chair to peremptorily adjourn the meeting for 30 minutes because the public asked to speak, as happened this morning. It's extraordinary. I think these are the darkest days democracy has seen in Ontario for 140 years, and it's because of you on the government side and your refusal to stand up for the basic principles of the importance of informing the public of what is intended, engendering public debate and then taking your direction from that public debate. You refuse to do any of those three things.

I hope you'll make arrangements to hear all the people who have requested to speak to you because I believe you might learn something from them. That's why you have public discussion, public debate and public input. You might actually learn something from them, that you don't know everything, and some public might help you.

I want to address a couple of aspects of the bill that to my understand have not been addressed so far and you might not be aware of them. First, two in regard to the TTC: Subsection 25(6) says that TTC members can be appointed only by two thirds of the members of the new council. Why is this section here? What's wrong with a majority? Why legislate that a rump minority, a third of the members present, can prevent the majority from appointing someone on the TTC? What's the reason? Al Leach didn't give any this morning. He has never given any publicly. What is the reason? Why? It would be nice to hear. I think that section is absolutely crazy. I have no idea why it's there. It stands against the basic ideas about how you take votes.

Another subsection, 29(1)(a), gives the TTC power to "consolidate and coordinate all...local...transportation" in Metro Toronto. This means the TTC is obligated to take responsibility for GO Transit. I think this is absolutely crazy. I think you should be amending the section to make

it very clear that is not the intent, unless indeed it is your intent.

Second, I want to talk about assets. The bill does not protect existing municipal assets but puts them under severe threat, and there are a number of examples. The first example is parking authorities. There are two parking authorities at the current time in Metro Toronto. There's one in North York that's exceptionally small, runs one or two parking lots as well as collections from the meters, and there's a very large parking authority in the city of Toronto that has been established for about 40 years. The city of Toronto established a parking authority to try and ensure that it had some say and some control over parking rates. In fact, the parking authority has operated in an extraordinary fashion of discouraging commuter parking coming downtown by charging very high rates for commuters and lower rates for people who are parking for an hour or two at a time. It has been an extraordinarily good public investment and now has assets of about \$150 million.

What are you doing with the parking authorities? You're creating one great, big parking authority that's going to be run by the new council. That means it's going to be run by representatives from municipalities that have never had any interest in even establishing a parking authority. I believe that the first thing they'll do is change the rate structure to encourage commuter traffic downtown and then they'll sell those assets off. There's nothing in the legislation that prevents that. That's what the intention I think of the legislation is, and it's dead wrong. That's not the way to protect public assets.

I think you should be changing the legislation to ensure that the spectacular asset that returns about \$10 million a year to the city of Toronto is protected. This legislation does not do that. It strips the citizens of Toronto of their asset.

The same is true in respect of historical boards, where again the city of Toronto has a very powerful and strong and wealthy historical board compared to the other municipalities because it has made the investment. What are you doing? You're stripping those assets from the citizens of Toronto and giving them to this new council. That's wrecking those assets, and I think that's wrong. You should be protecting those assets.

The same is true in respect of libraries and boards of health. They're assets we've developed in the city and they are being given away to a new council that has no concern for them, and I think that's wrong. I've suggested in my brief how you might actually move to protect those assets.

In regard to reserves, I don't believe a word Al Leach says about protecting those reserves. Protecting those reserves means you use them for the inhabitants of those municipalities for capital purposes. That's not what is happening here. The legislation requires that they be used for operating purposes, to lower taxes, presumably because of the downloading. As you know, nobody believes it's going to be revenue-neutral and I'm sure

you'll find that out next time you try and run for re-election.

The fourth point I wanted to make is in regard to planning approvals. I was here this morning when the transition team asked for this extraordinary power, namely that councillors who have been superseded by newly elected councils continue to make important decisions. This is asking people responsible to no one to make the important decisions. Quite frankly, this is shocking. We know it's shocking because the current law does not permit this to happen. People recognize that this is a perfect situation for corruption, and we shouldn't allow it to happen. It shouldn't even be talked about here.

I can understand the transition team, which is not elected by anybody, not responsible to anybody except maybe Al Leach, saying, "This would be a good idea," but from a democratic point of view it is shocking to actually hear such a suggestion made. If you're worried about the long time between when the election happens and the new council's taking office, change the time the new council takes office. Change it to December 1. That's when all the

other councils take office. You guys have arbitrarily changed that time. You've created a problem. Get it back. Let's have democratic rule as quickly as we can in Toronto. That would be a good idea.

Is this something you're going to do that the transition team has suggested? I fear you will do it, that you've lost your sense about the basics of democracy. I hope you won't.

In conclusion, one of the things I've been thinking about is what I can do for you people that might help or might indicate the kind of approach you're taking. It hit me today that the appropriate thing to do would be to give you a gift. So I went out today to look for a gift that I thought you would admire and like and probably value and I found it. I found two good brown shirts that I thought would be entirely appropriate. Chair, in conclusion, these are the kinds of things that symbolize the politics you stand for. Wear them with pride.

The Chair: This meeting is adjourned until Thursday, September 25, at 10 am.

The committee adjourned at 1750.

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Mr Tony Silipo (Dovercourt ND)

Also taking part / Autres participants et participantes

Ms Frances Lankin (Beaches-Woodbine ND)
Ms Elizabeth McLaren, assistant deputy minister,
Office of the Greater Toronto Area, MMAH
Mr David Spring, director, legal branch, MMAH

Clerk / Greffier

Mr Tom Prins

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Ms Susan Swift, research officer, Legislative Research Service

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**Legislative Assembly
of Ontario**

First Session, 36th Parliament

**Assemblée législative
de l'Ontario**

Première session, 36^e législature

**Official Report
of Debates
(Hansard)**

Thursday 25 September 1997

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(Hansard)**

Jeudi 25 septembre 1997

**Standing committee on
general government**

City of Toronto Act, 1997
(No. 2)

**Comité permanent des
affaires gouvernementales**

Loi de 1997 sur la cité
de Toronto (n^o 2)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 25 September 1997

Jeudi 25 septembre 1997

The committee met at 1004 in committee room 1.

CITY OF TORONTO ACT, 1997 (No. 2)

LOI DE 1997

SUR LA CITÉ DE TORONTO (N° 2)

Bill 148, An Act to deal with matters relating to the establishment of the new City of Toronto / Projet de loi 148, Loi traitant de questions se rapportant à la constitution de la nouvelle cité de Toronto.

The Chair (Mr David Tilson): Ladies and gentlemen, good morning. This is the standing committee on general government. We are holding public meetings with respect to Bill 148, An Act to deal with matters relating to the establishment of the new City of Toronto.

The bulk of the day is reserved for presentations from members of the public. Committee members may have an amended agenda. The city of York was to have been here today, but Mayor Nunziata has indicated she's unable to attend. There are two representatives scheduled to be here: Yasmin Khan and Liz Bonanno. Are either of those people here yet? If not, we'll start, and we'll try to fit them in later.

Ladies and gentlemen, we experienced some difficulty last week in keeping order. This Chair will try to keep order in this committee. There will be no warnings. Members of the public, I know some feel upset with this bill; however, we have to hear people. If there are any disruptions, I will ask all members of the public to leave this room, members of the media, members' staff, ministry staff and others, and of course the committee will then proceed with the delegations. I will be firm on that; there will be no warnings.

Mr Tony Silipo (Dovercourt): On a point of order, Mr Chair: Before we start, I want to say that I'm happy we have managed to make space for a number of citizens and organizations to appear. I genuinely appreciate that that's been done. But the transition team, whom we had asked to return today so we could complete our questions, I gather are not scheduled and are not coming.

The Chair: That's a fair question, Mr Silipo. I haven't personally spoken with them; the clerk has. I'll let the clerk speak. I understand that Mr Prins has spoken to members of the transition team and they are simply unavailable to appear today. Perhaps Mr Prins could confirm that.

Clerk of the Committee (Mr Tom Prins): That is correct. The offer was extended to them to come at any point in the day, and their schedules wouldn't allow it.

Mr Silipo: I find that quite offensive, as a member of this committee. I've made a point throughout the process — members of the subcommittee would know how emphatically I insisted that we have the transition team here. There are many questions I wanted to put to them which we didn't have a chance to do last time. They are crucial to the evolution of the new city, and I find it really offensive that of the six or seven members on the transition team, not one of them could clear their schedules to spend half an hour with us today, which is all that was left.

I would like to request, Chair, even at this point — I see that this afternoon there's an hour in which the municipality of Metropolitan Toronto is scheduled. I'm going to be bold enough to assume that we can cut that down by half and request that either you or the clerk call the transition team and request the presence of one or more of their members here this afternoon.

The Chair: To be in the 3:30 or 4:30 slot?

Mr Silipo: I'm happy to leave that issue in the clerk's hands to schedule, but to attend this afternoon. From my perspective — and I hope the committee agrees — this is not a question of whether they would like to come; it's that we want them here and we have some questions we want to put to them.

Mr Mario Sergio (Yorkview): When we started last week, I had exactly the same fear. Today we find ourselves in the position that we can't hear any more or question further the members of the transition team and, for that matter, even the minister. I don't know if the minister came back, but he did say he was making some time.

Interjection: He did.

Mr Sergio: I'm glad to hear that he did come back.

This is the last kick at the can that we would have to shed some light publicly, to ask some questions and get some answers from the transition team. Here we are at the last second and they are not showing up. I find this quite unfortunate.

This is very important, not only for us but for members of the public as well, as we move closer and closer to the end of the line and the government is going to make a decision. If not all the members, someone from the transition team should be attending the meeting today to answer some questions that we still don't have answers to. I concur with the mover, my colleague Mr Silipo, that we

should find some space and accommodate any member from the transition team to come here this afternoon.

1010

Mr Steve Gilchrist (Scarborough East): It's my understanding that they're in an all-day meeting. Similarly, Tuesday and Friday they met all day to prepare their interim report. Clearly, they're operating under time lines as well. They have their own schedules and deadlines. It's unfortunate that these were previously scheduled meetings.

Mr Silipo, if you have specific questions, perhaps an alternative might be to table them with the clerk and ask for the team to comment on them in a timely fashion. We have another week for you to prepare amendments. I would think that might be a good fallback position in the event that they're not able to accommodate your request.

Mr Silipo: I don't want to suggest for a second — I appreciate that they may very well be busy with other important issues, but this is a legislative committee that has been given the task of looking at the bill that's going to help implement the megacity, the same kind of work the transition team is involved in. I think it is a bit of an offence to this body and to the Legislative Assembly for that group to be unable to send one member for half an hour, even though they may be in an all-day meeting.

I hope we have agreement around the table that we make that point to them; we ask them to come this afternoon and hope they're able to free up at least one of their members to come speak to us and answer the questions we have.

The Chair: I'm unclear, Mr Silipo. Is this a motion or a request?

Mr Silipo: I'm moving it.

The Chair: Further debate on the motion? All those in favour of the motion?

Mr Peter L. Preston (Brant-Haldimand): What was the motion?

The Chair: The motion, as I understand it, was that the Chair or the clerk telephone representatives of the transition team and ask them to appear today to make a presentation to the committee.

Mr Sergio: One of the members of the transition team, anyone.

The Chair: Obviously, at the Chair's and the clerk's discretion, we will be obliged to ask certain people who are coming today not to appear. The day is full; that's the problem.

Mr Silipo: There's an hour scheduled for the municipality of Metropolitan Toronto. I think that would be the first place to look in terms of reducing.

The Chair: To cut that.

Mr Silipo: To cut that in half.

The Chair: I'm going to ask for the vote again. All those in favour? Opposed? The motion carries.

Mr Gilchrist: That's fine. I happen to know the schedule; they don't.

Mr Sergio: The other day, when we had Mr Tonks and two of the other members of the transition team, did they take the full hour or half-hour allotted to them?

The Chair: I believe they did. Can someone help me?

Mr Gilchrist: Yes; it was only half an hour.

Mr Sergio: It was only half an hour. If you recall, I put a motion on the floor to give them one hour. I realize it's passé.

The Chair: Mr Sergio, you'll recall that an hour had been set, but as a result of disruptions of the meeting, it didn't take place.

In any event, I will direct the clerk to forthwith contact the transition team and request if they are able to appear. We will report back to you, if we can get a hold of them, later this morning.

CITY OF YORK COMMUNITY AND AGENCY SOCIAL PLANNING COUNCIL SYME WOOLNER NEIGHBOURHOOD AND FAMILY CENTRE

The Chair: We're ready to proceed, I hope. I'm going to call to see if Ms Khan and Ms Bonanno are here this morning. Please be seated, and welcome to the committee. Ms Khan, originally Mayor Nunziata was scheduled to appear and you were to appear with her. Is that correct?

Ms Yasmin Khan: That's correct, yes.

The Chair: You were originally to be given 20 minutes?

Interjection: Ten minutes, she said.

The Chair: Then we're clear. The two of you are speaking for a 20-minute block. You may proceed.

Ms Khan: Thank you for the opportunity. We are by no means replacing Mayor Nunziata. My name is Yasmin Khan. I'm representing the City of York Community and Agency Social Planning Council.

The mission of our organization, Y-CASP, is to enhance the lives of residents in the city of York by identifying local human services needs and supporting the development of appropriate responses to these needs. We are a non-profit charitable organization with an independent board of directors. Currently, our work involves planning, coordination, research and analysis, community education etc.

Today I will cover the demographics of the city of York and the findings from our research projects.

First the demographics: We in the city of York have the largest percentage of immigrants, where almost half the people were born outside of Canada. The English- and French-speaking population constitute a minority in this area. Almost one in five residents over the age of 15 have less than a grade 9 education. Later on I will get into the implications of what that means. The city of York's average household income is approximately 80% of Metro Toronto's average. We have a very high proportion of single-parent families, almost 18%, which is higher than Metro overall, and even in the single-parent families we have a higher proportion of female-led single-parent families. The underlying theme is poverty overall. We have a larger proportion of seniors over 65 and children under the age of five than Metro.

Most of the figures are from Stats Canada. I have brought a copy of Community Profile of the City of York, our own publication.

Some of the issues arising from community demographics include:

A high incidence of low income, and we referred to poverty overall, as well as really high rates of unemployment.

Language and education are barriers to job creation.

We are an immigrant settlement area. We are the most ethnically diverse community in Metro Toronto, and you know that Metro Toronto is the most cosmopolitan in Canada.

There are real issues around target populations — youth, women, seniors, immigrants — and they are all magnified in a weak economic climate.

The labour market adjustment strategies require more supports, for example, child care, translation services etc.

At Y-CASP, in the last year we have undertaken three research projects. I am reporting the preliminary findings. As the reports are completed, I'd be very pleased to forward the complete reports to you later on, some time in November.

This is primarily feedback from our residents and our agencies. The knowledge is derived from a variety of sources: from our own research, from other reports done by Metro, community services, United Way, some from Stats Canada, as well as our very close ties to our own community.

The three research projects I mentioned: One is a quantitative research project, the second is a qualitative research project, and then there's our Taking Stock survey.

The quantitative research project was undertaken with the help of the University of Toronto's research department. The sample was derived at random from five York neighbourhoods with mixed income levels, giving due regard to ethnicity and other variables too.

Our research is showing that 95.2% of residents think their public services and programs need to be protected from funding cuts — a very high majority. These are very preliminary results. We are in the process of analysing them, and as I said, we will provide a full report later on.

We can report more on our qualitative research program, which was focusing on immigrant women settling in the city of York in the last three to five years primarily. Child poverty came up really high. There was an expressed concern for the ability to provide children with basic needs, especially food, and also shelter and clothing. One woman was reported as saying, "It is tragic when a child has to be told there is no more food in the house."

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The other major thing which came up was the interrelatedness of the problems and the issues. They described the overall effects of cuts as having a "chain reaction" — these are their words — in their lives.

One Hispanic immigrant woman was quoted as saying: "I have found that I go around in circles, no matter where I start. I look for day care or I look for work, and I go to

find work but I don't find it because of the education. Where do I get educated? Here they're not going to teach me what I need for that job, and the jobs aren't waiting for you either, even if you do have the education. I feel I'm going around in circles. In none of those areas can you say I find relief, that if I do this or that, then I will achieve what I want."

The other things that emerged were availability of quality day care; the quality of the educational system; the demands that schools place on poor families, and by that I mean money for school trips etc; issues related to employment and training — underemployment and lack of employment came up over and over; social housing; social assistance; affordable housing; medical care; and transportation. They're all interrelated.

Our third research was a survey done with agencies serving the city of York, called the Taking Stock survey. From this I have pulled out, given the limitation of the 10 minutes we have, just one or two organizations dealing with legal issues in the city of York.

Given the low employment and income rates within the city of York and given that no new affordable rental housing has been built, a local community legal clinic reports that tenants find it increasingly difficult to pay their rents. Workers from the clinic report that the majority of cases at the legal clinic are cases which relate to tenant evictions and other housing-related problems. Almost all evictions, they report, are based on rent arrears. They also report that the rates of evictions are substantially higher than they were two years ago, and there is no letup in sight. Finally, the way they explain it, many clients, after purchasing groceries and other essentials for their families, find it difficult to pay rent.

I have also, as I referred to, looked at other surveys. This one was released a couple of months ago, and I can leave a copy: Profile of a Changing World, done by Metro community services, the city of Toronto, and the Metro social planning council. In their report, Profile of a Changing World, the largest net losses by client group — they talked about the impact of the cutbacks on the agencies and what client groups were impacted by the cuts — were to immigrants and refugees, persons with physical disabilities and the unemployed.

Keeping in mind the demographics of the city of York outlined a little earlier, these particular program losses inevitably hurt the residents in a community like the city of York most.

The agencies serving our needy community are themselves under great stress due to cutbacks in funding. As the needs of the population are increasing — we are a settlement area, for example, and there are new immigrants coming and settling, and Canada needs immigrants — the ability to serve the needy is decreasing, to the point where many organizations, especially ethno-specific agencies, are beginning to close or are on the verge of closing down. New needs are emerging without the support systems.

United Way also released its report a couple of months ago, which confirms our Taking Stock survey. It is entitled

Metro Toronto: A Community At Risk, and it reports increased rates of child poverty, youth unemployment, homelessness and anxiety over changes to welfare and health services.

In conclusion, the information gathered by Y-CASP is pointing towards some very disturbing trends, including increased rates of child poverty, higher reported rates of child abuse — I just pulled out one page from *The First Duty: Report of the Metro Task Force on Services to Young Children and Families*; I don't know if it's easy to see, but the city of York is almost all coloured in to show the higher rates of child abuse — youth unemployment, families under stress, homelessness and an overall deterioration in the quality of life of the majority of residents in the city of York. The impact of the proposed devolution of services such as social housing on communities with demographics like ours has major negative implications.

I have with me Liz Bonanno. She's the executive director of Syme Woolner Neighbourhood and Family Centre. It's a direct service organization.

If you have any questions or comments — I was told we had to bring 25 copies. I'm sorry; I just didn't have time. Our own agency has gone down from nine people to two staff. I can leave my set for photocopying.

The Chair: Thank you, Ms Khan. Ms Bonanno, if you have a statement, you've got about six minutes.

Ms Liz Bonanno: Syme Woolner Neighbourhood and Family Centre is a grass-roots, community-based organization located in the west end of the city of York. We provide services and programs for children and youth, women and families and community support programs, which include food programs. We have a food bank; we have prenatal adult-child drop-in programs; school-age programs, both after-school and day camp programs; we have a clothing exchange. We have diverse programs.

We have two locations. One is in an elementary school and the other is a neighbourhood centre which is located in a low-income community. There are eight high-rise buildings, one of which is a Metro Toronto Housing building.

Our catchment area is that we serve approximately 30,000 households within the city of York. The community I speak of is very concerned about the possibility of the downloading of services from what is now a provincial responsibility to the new Toronto.

Presently, we see people coming in — our agency is right there in the community, so people come to our organization for whatever. If it's a tenant-landlord issue, if it's a child care issue, if it's an employment issue, if they're looking for some kind of support around a legal issue, they come to our organization first and we try to help them or, if we can, we refer them to another organization.

We are hearing stories from people who are living on the edge, that they're having difficulty now making rent. This is their priority. They're trying to hang on to their rental accommodation or their house. They're working poor; generally, the two parents are working or it's a

single-parent family struggling to provide a home for their children and put food on the table.

We are finding that increasingly the issue we are hearing about is that they're on the edge, that they can't afford their rent. We have a food bank within our organization, and they're going to the food bank for food, they're coming to our breakfast program so their child can at least get breakfast in the morning.

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We are concerned that this winter, because of the cutbacks that have happened to date — it has impacted in a negative way on most families within our community. They are worried about where their next meal is coming from and also where their next rent cheque is coming from. If there are any other cutbacks to the ability of families in our community to care for their children, to have a place to live — we're concerned that more cutbacks will happen with the movement of supportive housing from the province to the municipality. It's a huge expense the municipality will have to deal with, and subsequently it will potentially increase rental costs, which will cause more and more people to lose their homes. We never used to have homeless people in our community; we now have homeless people. We're hoping to get some funding from the United Way winter relief program so we can have a breakfast program six days a week and our clothing exchange opened up six days a week to provide winter clothing for families in our community.

I'm here to ask that when you're looking at the issue of downsizing and the costs involved that the municipalities will have to pick up — any other increase to families will impact in a negative way. The results will be very negative in our community and in other communities throughout Metro.

Thank you for this opportunity to express that to you, with the hope that you will consider what is already the environment in our communities, and that any other negative impact will be devastating to the families that are struggling now to survive.

The Chair: Ms Bonanno, Ms Khan, thank you very much for your presentations this morning. Thank you for coming.

DORIS BRADLEY

The Chair: The next presentation is Doris Bradley. Welcome. As you know, each delegation has 10 minutes to make a presentation. Thank you for coming. You may proceed.

Ms Doris Bradley: Mr Chair and members of the committee, first of all I would like to thank the mayors of most of the Metro municipalities for relinquishing their time so that a small number of citizens could have an opportunity to speak to Bill 148.

I was one of the many who spoke to Bill 103 earlier this year. I am a lifelong resident of the city of Toronto and one who is concerned about the ramifications of Bill 148 and its predecessor, Bill 103.

Bill 148 requires the creation of one Metro-wide library board, one historical board, one parking authority and one board of health instead of the current boards which serve each of the six municipalities. The result will be the loss of local influence and control in these matters, where adaptation to the local situation is most important.

Toronto has been declared by *Fortune* magazine as the best city in the world in which to live and work. The fact that the city of Toronto is such a vibrant part of Metro is no accident. It is the intentioned decisions of the members of the Toronto city council over the years that have made this possible.

The philosophy behind the city of Toronto parking authority was to provide parking at rates that would discourage people from bringing their cars into the downtown area. This has resulted in the assets of the city of Toronto parking authority increasing until they are now valued at \$150 million, far above the assets of the only other parking agency in Metro, run by North York. In a Metro-wide city of Toronto, will that same philosophy prevail, or will the parking lots be sold off to the highest bidder and the philosophy abandoned?

This is one example of how amalgamation forces two urban styles into one jurisdiction. The older, compact city, with its active street life and jumble of shops, apartments, houses and businesses defines Toronto, East York and York, and contrasts sharply with the newer suburban style of low-density single-use areas and reliance on the automobile travel found in Scarborough, North York and Etobicoke. These two different city styles have different political cultures and demands. Cars versus public transit and community policing versus fast police response are examples. Experience in Calgary, Edmonton and many American cities shows that the style of the older downtown gets wiped out.

Another example: Why is it that the city of Toronto is the only local municipal government in Metro that has a housing department? Toronto city councils through the ages have declared housing to be important for the citizens. There is a belief in the necessity of affordable housing.

What about the historical board? Toronto has spent much money and energy to strengthen the city's respect for historical roots, and as a result Toronto's historical assets far outstrip the other municipalities'. One city loses and the others gain. Will those who gain show the same care and regard for the concerns which created the Toronto parking authority, the Toronto housing department, Cityhome and the Toronto Historical Board?

I am very concerned about our library system. Libraries are important in our communities. They are close to the community and respond to its needs. The organizational structure of the current library systems has been decentralized to facilitate this. The libraries in the six municipalities have been run as semi-autonomous bodies. All decisions on policy and expenditures have been made by the library board, not the municipal council. Why does this bill have the libraries reporting directly to the city council rather than the community councils? The sensitive

role that libraries now play will suffer as they become encumbered by partisan politics.

What of the reserve funds of the current municipalities? According to Bill 148, these funds may be spent by the municipalities to reduce the tax levy over the next eight years. In other words, these capital funds may be spent as operating funds to reduce the rise in taxes caused by provincial downloading. I'm treasurer of a housing co-op, and under no conditions would we contemplate using our capital reserves as operating funds. The new council will be responsible for using locally generated revenue to meet a provincial agenda. Shame.

Does this all have to take place? No. Let's take a look at history. Metropolitan Toronto was created in the 1950s when the city of Toronto had Etobicoke, North York and Scarborough as its suburbs. Yes, there was some consolidation at that time. For example, smaller communities merged with Etobicoke and the city of Toronto, and Leaside and East York were joined.

Why was the Metro level created? There was a need for coordination of some services across the whole area; for example, police and ambulance services, transportation, including both Metro roads and the TTC, and social services.

Now, in the 1990s, the suburbs are communities such as Mississauga, Brampton, Richmond Hill, Markham and Pickering. What is needed now is coordination of some services on a GTA-wide level. This GTA-wide coordinating body would have representatives from each of the current communities in the area, just as the original Metro had representatives from the six municipalities. Why couldn't the process that took place in the 1950s happen in 1997? If it did, the GTA would end up as the best extended city in the world in which to live and work.

Earlier this year, the citizens resoundingly said, "Scrap amalgamation as outlined in Bill 103," and now 148, "and start a meaningful, consultative process in which governments at all levels heed the legitimate concerns of the citizens affected." They said it at the public hearings; they said it in the referendum. You members of the government at this committee and the other members of your caucus have been told by Judge Borins that consultation was woefully inadequate, contrary to that in which a democratically elected government should have engaged. He also indicated that it is not the role of the court to rule on the wisdom of the legislation, and that municipalities have no constitutional status or rights and are entirely at the whim of provincial governments.

One thing I can thank the current government for is sending a wake-up call to the citizens. If municipalities have no rights, it means that what we vote for or against at the municipal level can be overturned easily and "imperiously," a word used by the judge, if the provincial government decides to do so. We as citizens can't let it rest here. We have been used to governments which genuinely consult and listen. With a government that pushes its own agenda irrespective of the wishes of the people, we have no choice: We must get law in place to

ensure that this cannot recur; otherwise, the implications for all of us are frightening.

As you know, Judge Borins's ruling is being appealed and will be heard in the Ontario Court of Appeal on October 6. If by chance the appeal is not successful in obtaining a redefinition of subsection 92(8) of the Constitution, the fight will continue. Legislative change will have to be pursued so that a provincial government cannot push its own agenda irrespective of the wishes of the people.

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To close, here is the new verse that Dennis Lee added to his poem 1838 earlier this year:

Now Harris took Toronto
And he drove it to the ground.
He wants a paper city
He can boss and push around.
The province treats Toronto
Like a rival to be slain.
But who will speak for sanity?
Mackenzie, come again!

Applause.

The Chair: Thank you for coming, Ms Bradley.

Ladies and gentlemen, I draw to your attention that the rules of the House and of this committee do not allow applause or anything. You're simply here to observe. We can't allow applause.

As instructed by members of the committee, the clerk has telephoned a representative from the transition team, Lynn Morrow, who did the scheduling for the time they appeared. We have been informed that they are at meetings all day and are unable to appear.

Mr Mike Colle (Oakwood): Mr Chairman, I find that an incredible affront to this committee and to this House. I would move that the transition team be censured for not appearing as they said they would. That is my motion.

This is the second time it has happened. It happened with the previously appointed trusteeship, which also refused to come before this committee. We've got another group of individuals, unelected, appointed by the minister, who work under the Minister of Municipal Affairs. They are rebuking the House, it's a rebuke to the committee, to you as Chair and to us as members of this committee. I move that we censure the transition team.

The Chair: I will say, and I'll have the clerk confirm it, that I'm not so certain that I as Chair of this committee have the ability to accept such an order. I will allow some debate, but I'm not certain that that motion is in order. My understanding is it may only be that the Speaker has the ability to do such a thing, but I will allow debate to continue.

Mr Colle: We as a committee can make that recommendation to the Speaker and to the House.

Mr Silipo: If that's what it takes, certainly I would support that. I just ask you, Chair, or the clerk what recourse is available to this committee when we have requested someone to appear and they refuse. I know there are provisions for the issuing of a warrant. Is that something the committee can do or request the House to do?

I don't know the nature of the conversation the clerk had with whomever he had it with, but I wonder if the head of the transition team and the members of the transition team — not the staff who work for the transition team, but the people who are on that team — appreciate the fact that this committee voted to have them appear, to ask them to appear. We used nicer words, but the tone was that we wanted them here, and that was supported by a majority of the committee.

That's all we have left at this point to get them to understand that this is not a question of whether it fits into their schedule but an issue of their having an obligation to come and talk to us and answer our questions.

The Chair: Could the members could just give me a moment.

To Mr Colle, who has made the motion, my understanding is that this committee simply does not have the power or the authority to censure the transition team. I believe the House and the Speaker may have more jurisdiction, and that could be confirmed later, but this committee, of which I am the Chair, does not have the authority to censure the transition team. You can move a motion that I as Chair, if the motion is accepted, write a letter to the transition team —

Interjection.

The Chair: Well, it's either that or nothing, ladies and gentlemen. I can write a letter to the transition team expressing your disapproval, but as far as your motion is concerned, unless there's some variation of that, the motion is out of order simply because we don't have the jurisdiction to do what you're requesting.

Mr Colle: I recall the same discussion when the trustees refused to appear before this same committee. At that time, it was brought to our attention that we as a committee could recommend to the House and the Speaker that these individuals — in that case it was the trustees — be recommended for censure.

That is the variation of my motion, basically that we ask the Speaker to take appropriate action, whether it be censure or that a warrant be issued, as a result of these paid political appointees, the transition team, failing to come before this House as they agreed to.

Chairman Tonks agreed to come last time. If you check the Hansard, they said they would come back. The enormity of their refusal to come back is that it sets such a dangerous precedent in terms of appointed people, who are not accountable to anyone because they're appointed, saying to this House, as we represent the House, "We don't think you are important enough or significant enough for us to even take 10 minutes or 20 minutes to appear before this House." I think you as Chair hold a very heavy responsibility here, because if you let them slip away with this, it sends a very ominous message to everybody who is called before this committee and has serious information to give.

They have critical information. They're basically the government now in the transition. They are running the seven municipalities and they are accountable to no one. They have failed even to come before this committee,

which is in charge of these bills, especially this follow-up bill.

It is an incredible affront, Mr Chairman, to you and the House and this committee, to this very institution of the Legislature, if appointed people on the payroll of the provincial government, appointed by the minister, laugh at this committee and laugh at the Legislature. If you let them get away with that, you're doing a disservice not only to us but to a lot of other committees and a lot of the work the Legislature does.

I urge you to support this motion of asking the Speaker to censure the transition team.

The Chair: Mr Colle, as you know, I'm bound by the rules of this place and I'm also bound by the direction of this committee. If the committee directs me to do something, I will do it. Let's see how this goes.

Mr Silipo: Chair, could you or the clerk answer the question I posed earlier about the process for issuing a warrant when a witness refuses to appear?

The Chair: I'm sending the clerk on all kinds of messages, but I will have the clerk look at that one too. My understanding is that only the House can do that.

Mr Silipo: So we're in the same situation, that we would have to request the House to issue a warrant.

The Chair: I believe so. I don't believe we have the authority to do that, but if you wish I will check that one out as well.

Mr Silipo: Either that can be a part of Mr Colle's motion, if he wants to accept it, or I would make it as a separate motion.

The Chair: You may have to leave that one with us; I don't know.

Mr Silipo: I would also raise this as a question of privilege. I believe my privilege and that of all the committee members is being seriously impinged here by the refusal of a group of provincial appointees to a body to appear in front of a legislative committee when requested to do so.

I don't want for a second to diminish the work they are doing today in whatever meetings they are engaged in, but in the context they are working in, there is no greater obligation they have than to the Legislative Assembly. Today this committee is sitting on behalf of the Legislative Assembly, dealing with a bill they are entrusted to help put in place. For them to conclude that they can simply, because of their choice of which meeting to attend, usurp their responsibilities to the Legislative Assembly of Ontario is beyond anything I've ever seen in the time I've been in this place.

1050

I want to raise that as an issue of privilege for you to rule on, because I believe it is a serious matter and it warrants either the issuing of a warrant or certainly the censure of the House if they continue to refuse.

I make one suggestion in passing, as one way to try to avoid a major confrontation on this; that is, for you to get on the phone to the head of the transition team. Your writing a letter, while I appreciate that suggestion, isn't

going to be helpful in the time we have. Perhaps the head of the transition team —

The Chair: My suggestion was to the original motion of censure. That was a response to —

Mr Silipo: I understand that, but perhaps, Chair, we could continue the hearings with the Vice-Chair in the chair. If you would be willing to go and phone the head of the transition team, perhaps a conversation directly between you and him might impress upon him that this committee — it wasn't me, it wasn't Mr Colle, it wasn't any other individual member, but this committee — voted this morning to ask them to come and speak to us and answer our questions, and in their refusal to do so they are seriously impinging on our rights and they are creating what I can tell you is going to be a major confrontation if they persist in their refusal to come and speak to us.

The Chair: We have one more speaker. I remind the members that we have a full morning of people who wish to speak to the committee. I'm prepared to allow this to continue, but it will mean that certain members of the public won't be allowed to speak.

Mr Gilchrist: That's precisely the point I was going to make, Chair. If the opposition members would get down off their high horse, it's no more or less offensive than the fact that Barbara Hall or Frank Faubert aren't here. They were all invited exactly the same way. They're all affected. Frank Faubert is paid to be the mayor of Scarborough.

Mr Colle: No. They're paid political appointees. You paid Tonks and company to be the transition team.

Mr Gilchrist: The bottom line is that Frank Faubert can find the time to come down to the other committee but he doesn't want to come and face us, quite frankly because they don't have any comments.

Mr Colle: You're their boss. They should be here. Get on the phone and tell them to come here.

The Chair: Ladies and gentlemen —

Mr Gilchrist: The arrogance and conceit of Mr Colle in particular — the transition team did show up. They were slotted for an hour.

Mr Colle: They showed for 10 minutes.

Mr Gilchrist: They were here for two hours, while demonstrations from the audience, fomented in large part by Mr Colle, cut into the speaking time, just as he's cutting into the speaking time right now.

Mr Colle: What did I foment? What did you say?

Mr Gilchrist: Exactly the same way you're doing it right now. Your ignorant behaviour —

Mr Colle: They're your paid appointees. Get on the phone and tell them to get here.

The Chair: Mr Colle.

Mr Gilchrist: They are responsible under Bill 103.

Mr Colle: Get on the phone and tell them to get here before the House. They're your employees.

The Chair: I'm going to recess this meeting if you two can't get yourselves under control.

Mr Gilchrist: I have the floor, Mr Chair.

The Chair: It seems to be out of control here.

Mr Gilchrist: That's the gentleman who's doing it.

The Chair: If you people want to have a meeting here, we'll have one.

Mr Gilchrist: No one interrupted Mr Colle.

The Chair: All right, you may proceed.

Mr Gilchrist: Bill 103 is the statute that put the transition team in place, not Bill 148. Obviously, they are working on things to do with the creation of the new city. This bill deals with things to do with the creation of the new city. They are no more or no less related to this than any of the other civic employees from all those cities who could be required to be here.

Mr Colle: Give us a break. They're interpreting every clause in this thing.

Mr Gilchrist: The fact of the matter is that they did show up at their appointed time, and as you heard last week, they cancelled previously scheduled meetings to do that. They are under certain deadlines. Maybe some people would like to set them up to fail. I don't think it's fair in the slightest that given that they have taken on the job and have a time line, obviously related to the fact that the municipal elections are coming up — the current councils would like to have some input, and that's why the interim report will come out in plenty of time for the current councils to give comment and to factor that into, presumably, both their elections and then the work they do afterwards.

I think it is quite arrogant and conceited to believe they should just drop whatever they're doing at the whim of Mr Colle —

Mr Colle: They shouldn't come before the Legislature? Who's arrogant?

Mr Gilchrist: You are, Mr Colle. The bottom line is that they did show up. That is the bottom line.

Mr Colle: Get on the phone and tell your people to get here. You're saying they shouldn't be here. Is that what you're saying?

Mr Gilchrist: They honoured the invitation to be here, contrary to four of the mayors who were invited to be here. If you're going to censure the transition team, I suggest you censure all the mayors, because I am just as eager —

Mr Colle: The mayors aren't paid by you. You're paying the transition team.

Mr Gilchrist: They're paid by the taxpayer. The taxpayers pay all of them.

Mr Colle: The mayors are not paid by you.

Mr Gilchrist: Come on, Chair, could we get some order here, please? Are you done your rant?

Mr Colle: They're your hired hands. You get on the phone and tell them to get here when they're supposed to.

The Chair: This meeting is recessed for 10 minutes.

The committee recessed from 1056 to 1107.

The Chair: We'll reconvene the meeting. There is a motion on the floor by Mr Colle that this committee present a report to the assembly that the —

Interruption.

The Chair: Ladies and gentlemen, I need your cooperation or we're never going to finish this day. Mr Colle's motion is in order, that this committee write a substantive report to the House that the transition team be censured.

I will interject at this stage that, as you know, every second of this day is timed for public hearings. I am prepared to hear further debate, but I remind members of the committee that the more we debate, it will be physically impossible, in the time that's been allotted to this committee, to hear representatives speak.

Mr Silipo: I had suggested, Chair, that there be another part to that, which was that the House be requested to issue a warrant to have the members of the transition team appear. I don't know if Mr Colle wants to incorporate that as part of the motion.

Mr Colle: That's fine, a friendly amendment.

The Chair: Mr Silipo, could I suggest that be made a separate motion, that we deal with this motion? I don't even think it's appropriate to amend it; I think it's a separate motion. Perhaps we could deal with Mr Colle's motion first, and then if you wish to put yours forward —

Mr Silipo: Fine.

Mr Preston: I guess I was instrumental in voting for asking these ladies or gentlemen to appear, but to censure them because they have other duties at this time is akin to censuring me for being here and not in the House. You cannot be in two places at once. I can't censure somebody because they have a duty to perform.

Mr John Hastings (Etobicoke-Rexdale): Mr Chairman, rather than our getting off on this tangent of censuring any member of the transition team for not being here, I'd like to suggest an alternative: whether the transition team could come this evening and whether this committee would be prepared to sit after 6:30 or 7 to hear their briefing, if that's a possibility.

The Chair: Mr Hastings, even if this committee agreed to that, the time allocation motion doesn't permit us to do that. That's the problem.

Mr Hastings: We'd have to go back to the Speaker and get —

The Chair: Yes.

Mr Hastings: I would like to propose a motion —

The Chair: You can't; there's a motion on the floor.

Mr Hastings: Then after this motion is disposed of one way or another.

Mr Sergio: Following what the member has said, since we are bound by the time allocation of the House, I suggest that we try to get the members of the transition team and request of the House another meeting some time next week, at the convenience of the transition team. I don't think the members of this committee would have any problem with that.

I support the motion by the member to sit tonight and invite the members of the transition team. Since this is impossible because of the time allocation, I would —

The Chair: Like Mr Hastings, everybody wants to make motions, but we have a motion on the floor, Mr Sergio, that this committee make a substantive report to the House that the transition team be censured. That is the motion that's on the floor and that is the motion we're debating.

Mr Sergio: That's fine. I'll be supporting that.

The Chair: Further debate on this motion? All those in favour of this motion? Opposed? The motion is defeated.

Do I understand there are further motions?

Mr Silipo: Yes, Chair. I don't like to do this, I really don't, but under the circumstances I feel I don't have any choice. I would like to move that the committee request the House to issue a warrant to the transition team requiring their attendance at this committee.

When we passed the motion this morning, we did it with support from all sides of the committee. I took that as support by the majority of this committee that we felt it was important that these folks appear before the committee. It wasn't a question of whether they could appear or whether they wanted to appear; it was that we wanted them to appear and they should make every effort to be here.

As I said, I don't know if that message has been received that clearly. That's why I had suggested earlier that one other alternative would be for you to talk directly to the head of the transition team. Perhaps that conversation might impress the point that the committee as a whole, the majority at least, requested their attendance. Short of that, Chair, given where we are at this point, I think the only thing that would make the point as clearly is if they know we voted to have the House issue a warrant forcing them to come and talk to us.

The Chair: Further debate? All those in favour? Opposed? The motion is defeated.

Are there further motions?

Mr Colle: Mr Chair, on a point of order: What has happened here is so fundamentally wrong, this attack on not only this committee but the Legislature. It has made a mockery of this bill, this process —

The Chair: Mr Colle, that's not a point of order.

Mr Colle: I cannot sit through this and my party will not sit through this. In essence, what has happened is that the transition team appointed by your government has said: "The Legislature doesn't count. The committee doesn't count. We'll do what we want."

The Chair: Mr Colle, as the Chair, I'm telling you you're out of order.

Mr Colle: I cannot sit here, because this committee is now a sham. If you don't censure them for not coming, it shows this whole thing is just going through the motions and you're not paying attention to anybody. If they don't come — the transition team is the most important part of this bill.

The Chair: Mr Colle, I don't want to have to recess again.

Mr Colle: If they're not here to answer questions, there's no way I'm going to sit through this mockery.

Mr Silipo: On a point of privilege, Mr Chair: I raised this earlier with you and I want to raise this now formally. The refusal of the transition team to attend this committee, particularly in light of a decision made by the majority of the committee, hence by the committee, to have them appear is an infringement on my rights as a member of this committee and on the rights of every other member of the committee.

The Chair: Mr Silipo, I will say again that I don't think I have jurisdiction as Chair of this committee to rule on a point of privilege.

Mr Silipo: Who does?

The Chair: The Speaker of the House does. You're free to make that to the Speaker at any time yourself.

Mr Silipo: I will, but I just want to be clear, Chair, that it's my understanding that a point of privilege that arises out of an issue in committee has to be raised in committee, not in the House.

The Chair: Mr Silipo, you have a choice. You can raise it as an individual or you could make a motion that the committee report to the House on that particular point of privilege. You're free to do that if you wish to make a motion.

Mr Silipo: But you're telling me I can't raise a point of privilege directly with you as Chair of the committee for you to rule on.

The Chair: I don't have the jurisdiction to rule on it, sir. Only the Speaker can rule on that point of privilege. You can make a motion that the committee report to the House on that particular point of privilege, but I cannot rule on your point of privilege. I don't have the jurisdiction to. Those are the rules of this place. I am bound by the rules.

Mr Silipo: Are you telling me that if I stand in the House this afternoon and raise the point of privilege with the Speaker, he's not going to tell me, "Go deal with the Chair"?

The Chair: I understand the point you've just made.

Interruption.

The Chair: Madam, you're asked to leave this committee right now. I'm asking you to leave this committee right now. Get security.

Interruption.

The Chair: I'm asking you to leave, madam, please.

Mr Silipo, I understand the point of the comment you just made, and it's probably a valid point with respect to what the Speaker may do. I will read for the record what the position of this Chair is.

I may deal with points of order as they arise, but neither the committee nor myself has the jurisdiction to deal with matters of privilege in a substantive way, which is what your point of privilege is. Only the House, on report of committee, may deal with matters of privilege that arise out of the committee. Therefore, I'm not in a position to make a ruling on the point of privilege raised by Mr Silipo.

I would cite for the authority Parliamentary Privilege in Canada. It says: "A committee may not commit a person for a contempt or a breach of privilege. Nevertheless, it may report to the House that, in its opinion, a breach of privilege on contempt has occurred and ask the House to take action."

Mr Silipo, I repeat that I personally do not have the authority or the jurisdiction to order on your point of privilege. This committee can make a submission to the House or report to the House that the Speaker deal with it.

Mr Silipo: Then I move that the committee report this afternoon to the House on the fact that the members of the transition team were requested by the committee to appear this afternoon and are refusing to do so. Those are just straight facts. If the words are problematic, I'm happy to amend them. I'm not forcing an issue here about contempt or asking people to take positions on anything other than the facts that have transpired. I'd like to have that reported to the House this afternoon so that the issue can then be before the House.

Mr Preston: The words "refuse to" and "unable to" are something — I don't know that they refused to or were unable to.

Mr Silipo: Fine. Chair, if the motion were to say, "They have indicated that they are unable to do so," that's fine. As I say, I don't want to prolong this issue in terms of asking people to take positions here. If you're telling me that the Speaker is the person who should rule on that, I'm happy to take it up with him, but I would like the facts, in the most neutral way possible, to be in front of the House this afternoon.

The Chair: Further debate? All those in favour of the motion? Opposed? The motion fails.

Are there further motions?

Ladies and gentlemen, we are now back to the public hearings. We are way off our schedule. I will proceed until 12 and we'll do our best to accommodate people. Some people may not be heard, but we'll do our best to try and have everyone heard.

1120

LIZ RYKERT

The Chair: Will Liz Rykert come to the table, please? Good morning. You have 10 minutes.

Ms Liz Rykert: Members of the committee, first I'm going to give you a few of my thoughts as I prepared my talk last night after 1 o'clock in the morning, because I was called at 6:20 to come and speak today.

Last minute. Fast preparation. Lack of information. A willingness and need to speak. Profound distrust. Careful thought. New-found community. Fear of the future. A personal belief in the public good. A creeping feeling of loss about how I have come to think about my government. Patterns. Lost principles. A searching for the truth. Each thread wearing thin, slowly unwoven from the fabric.

As I sat here last week and listened to the unelected transition team members recommending you agree to recommend that then unaccountable councils come back to meet for the purpose of approving planning proposals after the November 10 election, I was rattled back to reality. Today, witnessing what happened with their refusal to appear, this reality is once again strongly confirmed for me. The transition team appears to have no masters, and you appear to be out of control.

Bill 148, the bill required because of the error by the Conservative Party in the Legislature on the day the mayors appeared to watch your deliberations, represents a

piece of the pattern now familiar to the people of Ontario. How did we get here? Why am I taking time out of my day to speak to you as a citizen and as a person?

It seems to me it started with a little phrase, "common sense." Why was common sense so appealing? Because it rang true with the electorate. Your words reflected back their reality at that time, in slickly packaged media bites which left people on welfare with the impression that they would find work at a living wage; which created a sense of what the everyday person needed to make ends meet; which somehow, through the twisting of words, impressed enough people to give you a mandate.

I suggest to you that the ground is now shifting. What was your truth no longer finds resonance with the people. They say you're moving too fast. They say they don't trust you. They worry for the future of their children and for the members of our society whom you seem to take so much relish in attacking. They find their common sense now in the belief that their hospitals are closing, that their education system is no longer locally accountable, that their jobs are threatened, that their supports have evaporated, that their choices have been limited, that their belief in good government is gone. Common sense still exists in this province, but with the actions of this government it no longer resides on your side.

As I claim back my clear vision of what I know and understand to be a good society, it's filled with the common sense of the people: the people you shun, the people you fear. Centralizing power, ruling by regulation, marketing legislation like sports cars, denying public input, using appointed representatives: These tactics are all too familiar to us now. You are predictable, and common sense will prevail when you fail.

Toronto is my home. I have invested considerable time and money in the community. I believe it to be one of the best in the world. Before my eyes, common sense is telling me that there's more poverty, more desperation, that there's falsehood in public office. I keep speaking out because I know that one day you will be gone. I'm active in my community because I know that by working together I can learn from other citizens and residents who, like me, no longer believe in your ability to rule.

The son of megacity introduces the regulations to enact the City of Toronto Act against the will and common sense of the people. Under close questioning by the opposition last week, neither the minister nor his appointees on the transition team could produce either the means for accountability or the true costs of downloading. As a taxpayer, I don't know what my taxes will be. As a service user I was told it's a done deal to expect user fees next September. As a resident, I have come to expect responsive local government, a strong voice, fair practice, a belief that the people elected will govern for all the people. The truth in these statements has now vanished.

Your arrogance befits you, and your record, as collected online, will be there in the months and years to come as a resource for the citizens of this city and this province. Your actions are transparent to us. With transparency comes truth, the kind that forms the basis of

common sense. Your title to this phrase has been stripped by your very own actions.

Our use of the Internet, recognized globally for its ability to pace you, action for action, and get the real truth out is one way we're fighting back. Our meetings every Monday night are another. Our ability to bring understanding to your chaotic actions and insight to your dark ways has proven inspirational for many. People are finding their voices, creating strong communities, and your actions are central to feeding the growing bond among us.

I encourage you to stay your path. It'll be your end. We have found our order in your chaotic management of the most important aspects of our public lives. Your path is destined to fail. Our strength lies in our own ability to see the truth, to bring transparency to your lies and to reveal your actions, like the last-minute scramble to schedule citizens to speak because the mayors chose to act with common sense and withdraw from your plan to shut out the citizens.

As a closing statement, I will repeat a quote I used in my deputation on Bill 103, from Jane Jacobs in her speech to the Citizens for Local Democracy meeting on February 17. She said:

"The only remedy for the bills is to discard them - toss them out. It is not possible to fix them; they are unimprovable. We must see that they are disposed of and then in an open, sensible, democratic public debate begin looking at what should be done and to do it gently."

As a citizen and as person, these words ring true with common sense for me.

The Chair: Thank you for coming, Ms Rykert.

1130

HEATHER BROOKS-HILL

The Chair: The next presentation is Heather Brooks-Hill. Good morning. You have up to 10 minutes.

Ms Heather Brooks-Hill: Good morning, Chairman Tilson, members of the government, members of the opposition. I am pleased to have this opportunity to address the committee on Bill 148. It is my understanding that the mayors, not the government, have made this time available for the citizens of Metro Toronto. Please extend my thanks to them. Will you do so?

The Chair: Madam, if you're asking me, I'm governed by what is on the agenda. There were representatives from the city of York who came this morning and spoke.

Ms Brooks-Hill: Those of you who participated in the reading of Circle of Freedom at the hearings on Bill 103 in February will recall that I am opposed to the megacity. For those of you who were not present, I would ask you to stand for reading of Circle of Freedom.

We rise up

With our shouts and angry cries —

The Chair: Madam, Hansard cannot record you if you're standing. You'll have to sit.

Ms Brooks-Hill: I have a very good voice. I'm sure you can hear me.

The Chair: Madam, I'm informed by the clerk that it's difficult for Hansard to pick up what you're recording if you're standing.

Ms Brooks-Hill: We rise up with our shouts and angry cries

We shake our fists at the empty skies —

The Chair: I just want to put you on notice that what you're saying may not be recorded.

Ms Brooks-Hill: Thank you.

We shake our fists at the empty skies.

You are not gods who sit and give commands.

By the grace of the people you hold power in this land.

And we rise up with our shouts and our demands

And we cast our votes and we join our hands

In a circle of freedom stronger than your house

In a circle of freedom that breaks apart your boast.

Government by the people means the people will have their say

And your almighty proclamation is not the people's way.

We will let our children grow with breath and hope they call their own

And we will let our elders die in a place they still call home.

We will not be abandoned to the tax man and your law

We will stand and raise our voices in your legislative hall

For the circle of freedom is stronger than your boast

And this circle of freedom will break apart your house.

You as members of the committee are expected to listen to me speak. In the tradition of democracy, I, the citizen, trust that you hear me and include in your recommendations and amendments a reasonable reflection of what I and other speakers have to say. If I am to believe that the hearings can make a difference, we must enter this moment respecting this premise. Do you agree with me?

This is an unusual situation for me, as I have spent many hours in the gallery, as Mr Gilchrist well knows, observing you in the House during the last six months. This time, you will be observing me. Although I have not heard all of you speak, you will all hear me, if you listen, that is.

I believe that all of you are participating in the violation of something that is sacred. That which is sacred is our cities. It is sacred because it is the structure in which we ground ourselves, in which we understand ourselves. This bill eliminates the infrastructure of our culture. Bill 148 describes the destruction of our infrastructure. It destroys our understanding of who we are.

If you vote to pass this bill, you will be accomplices in a sacrilegious process. You have created chaos in many sectors already. This is not necessary. In fact, those who revel in the observation of the chaotic response are simply on a power trip. This is not responsible government.

Our historical boards, libraries, health units and parking authorities affect who we are. Tampering with any or all of them is jarring. Think of yourself on the operating table. Would you choose the knife? Want my toes on your

feet, or some of mine and some of yours? How many of each? Who decides?

I don't believe that chaos facilitates improvement. I do believe that careful, researched planning facilitates improvement. I don't believe that big is better. I do believe that small is beautiful.

You might wonder, what do I recommend that you do? I don't recommend that you withdraw the bill. That would be irresponsible. I do recommend that the committee request a transitional year under section 16 of the bill. This would allow for the new council to make adjustments in a careful way. It is my hope that you will recommend this extension of time.

Furthermore, if 76% of the new councils are representative of the 76% No vote in March 1997, we will have a majority on council that would honour citizen input — that is, of course, if the councillors are of high integrity and if all of us who opposed the megacity put the same effort into ensuring that we elect the councillors we want. This, of course, is true not just in Toronto, but across the province, in Peterborough county and so on. Time will tell.

I would like to close with an analogy from palliative care principles. I'm assuming you know what palliative care is, Mr Chairman. Are you aware of palliative care?

The Chair: Yes.

Ms Brooks-Hill: As you are all aware, we will all die. Your government will die and a new one will be born. It's simply a question of when, where and how, not why.

Before your time comes, I hope you consider carefully the ramifications of passing Bill 144 as it is, the possible recommendations that would allow a gentler, wiser transition, and what your role, Mr Gilchrist, in the process will be. Thank you very much.

The Chair: Thank you for coming, Ms Brooks-Hill.

ANNE REDPATH

The Chair: We have about 20 minutes left. We have time for only two further speakers this morning, because we will have to recess at noon to allow members to go to vote in the House. That leaves Anne Redpath and William Phillips — are they both here? Yes. I'm going to try to get those two speakers in this morning. The others, of whom there are four, I'm going to ask that you speak to the clerk. We'll try to schedule you this afternoon. It's a full afternoon, but we'll do our best. We will proceed with Ms Redpath.

Interruption.

The Chair: One of the members of the public has asked if he can speak this morning. Our problem, sir, is that we only have 20 minutes left, and we'll have two speakers in 10-minute slots. The morning ends at noon. We will try to reschedule you this afternoon. The clerk is about to speak to you. We will try to fit you in this afternoon, but this morning is out of the question. I'm sorry.

Ms Redpath, you may proceed. You have 10 minutes.

Ms Anne Redpath: My name is Anne Redpath. I am a management consultant by profession and I live in the city of Toronto.

I will begin by expressing my gratitude to Mayor Hall, Mayor Lastman and other mayors for so graciously making time available for individuals such as myself to speak to this bill. Such an extraordinary event: The committee holds hearings dealing with the future of an area with 2.4 million persons and the committee allots zero minutes for any of these persons to be heard. As Alice said in Alice in Wonderland, "It gets curiouser and curiouser."

I have some sense of the concern for the future held by people living in the city. I went to North York, Metro and both Toronto meetings with the transition team where people made deputations. I also attended a meeting with John Wimbs and the Toronto Arts Council on Berkeley Street and with the Toronto heritage board at city hall. In addition, I went to the last meeting of the Toronto board of health, where they reviewed their achievements over the years, and where people expressed concern for the future.

The rest of my deputation will be spent commenting on some of the disturbing or interesting aspects of the bill.

Toronto Transportation Commission: The TTC appears to be headed for difficulty, with a two-thirds council majority needed to appoint a director. The heavy users of the TTC are those in the densely populated inner-city areas in the present city of Toronto. On the new council, this city will have 16 of 56 councillors. It is difficult to imagine councillors being appointed who will have any interest in the transportation problems of the densely populated areas with relatively lower incomes.

I say this having just yesterday had a past member of the Toronto council comment upon the across-the-board cuts made by the TTC last year. The night service along King Street carried about 5,000 persons a year at night, while a route in Don Mills carried almost no one, but King Street was cut and badly hurt the riders at night who use it to get to and from work in hospitals and places like that, while the Don Mills route was left untouched.

1140

Boards of health: The merging of the several boards of health into one big board has led many of the boards to express their concern to the transition team at public meetings. This legislation does not address any of the concerns. Each municipality has funded its board differently, partly, one suspects, from choice, but largely from different needs in different municipalities. Deputations at North York were as concerned for the future of the programs of North York as were the deputations in the city of Toronto for Toronto's.

How is the funding for the new board of health of what I call MCT, megacity Toronto, going to be divided between cities? Should the programs of the city of Toronto be curtailed so that other areas can have their per capita allotments increased? If the present city of Toronto has 50% of the AIDS cases in Ontario, does this make sense? Is it fair? With 56 councillors in the new MCT, how does any one municipality, with two to 16 councillors, ever look after their needs, carry out any innovation and avoid being dumbed down or standardized?

Library boards: The merging of the various library boards of the MCT area into one monster board is

disturbing to me as a citizen of the present city of Toronto, and no doubt is to many of the citizens of North York. Why? Because North York and the present city of Toronto are the two municipalities that have chosen to spend a lot of money on libraries. A city such as Scarborough has chosen not to do so.

As I read the legislation, the assets of all the boards of the MCT are merged, but no provision is made to maintain the funding of any of the library branches in any of the municipalities. Does this mean that the four lower-tier municipalities with respect to library services have their services increased? If so, does it mean that North York and Toronto, the two big-time spenders on libraries, have their services scaled back to provide funds for this? What is it that the government wants to achieve with this legislation, and is your objective being met?

Historical boards: The Toronto Historical Board, ie, the board of the present city of Toronto, is being merged into a new board that will represent the whole of the MCT. Poor old city of Toronto. It is the only city that has spent a lot of money and effort to protect and save its historical heritage. Choices made by other municipalities were to spend much less on their heritage, perhaps because they represent newer areas and have less history to oversee.

East York, some years ago, when they believed they were at risk of being pillaged, put their historical paintings and other items into a corporation to protect them from just such a day as this bill sets out for January 1, 1998. There are no protections in the bill that will keep artefacts in the community that collected them, paid for them, fought for them and valued them. Furthermore, there is no funding mechanism that will allow them to be maintained. With an unwieldy 56 councillors in the MCT and with Toronto only having 16, I cannot believe that the representatives of the other areas will maintain the function of the existing board and not want to get their hands on the funding for their own areas.

At the heritage meeting with John Wimbs of the transition team, he commented that there were deputations to the team by non-city-of-Toronto members to make arts, culture and heritage part of parks and recreation in the MCT. Even Wimbs appeared horrified by this. I can understand Mr Wimbs's horror when I see that section 77 allows the council of the MCT to dissolve the new board at will.

Parking authority: Once again, the present city of Toronto and its taxpaying citizens of the past are being treated with great unfairness. All parking authorities are being merged, assets and all. But surprise, surprise, only the present city of Toronto has any assets of note — North York has a very minor operation — and these assets are on prime land.

The MCT council has the right to sell off any land, it appoints all the directors of the parking authority, and, last but not least, it can dissolve the parking authority at will. Imagine the present city of Toronto with no Toronto parking authority lots. Imagine other cities splitting the revenue from the sale of the lots and imagine the glee of developers as they get their sticky fingers on the land.

Reserve funds: Last but not least, Bill 148 commits an act that is financial folly, but it's politically expedient, if I have understood it correctly. The reserve funds of the fiscally sound municipalities making up this merger may be used to cover their operating funds and lower their taxes.

Reserve funds are sums of money put aside for capital expenditures. They are accumulated so that when the time comes to replace capital goods and equipment, the funds are there; taxes do not need to be levied to pay for the replacement of sewers or water mains or roads. It is just like a condominium, which is required by law in Ontario to set aside funds to replace roofs, elevators etc and is prohibited from using the reserve fund to offset operating funds.

In conclusion, I would like you to take another look at Bill 148, and do it in a professional and workman-like manner. List your assumptions, study and make public your figures and projections, and if, as the press keeps iterating, you have no figures, please develop them.

The present city of Toronto is too valuable to risk on one roll of the dice. Give us the consideration the government is giving to the rural residents who do not want school to start a week early — see the *Globe and Mail* today, front page. The government is changing its policy in that case. Please think about doing it in ours.

The Chair: Thank you very much for your presentation.

WILLIAM PHILLIPS

METRO TORONTO BOARDS OF HEALTH LIAISON COMMITTEE

The Chair: Mr Phillips, you have the rest of the morning, or until the bells ring. You may go for 10 minutes.

Mr William Phillips: The key thing I wanted to say was with respect to the fact that the minister had said that services in the new city would continue to be the same as in the old cities combined. I wanted to raise the question about the transition team going around asking that all budgets be cut by 15%. Certainly any kind of cut like that has to cut services. I was wondering if people could ask the transition team what that was all about, but it seems that the transition team is not beholden to this committee and is not going to be responsive.

The Chair: We had a fair bit of trouble with that this morning, and it will continue to be.

Mr Phillips: What I'm saying is that since that was my major point, I would like to yield my time to Mr Peter Tabuns, because I think what he has to say is of extreme importance.

The Chair: The floor is yours, Mr Tabuns. As you can see, we're way behind schedule, but thank you for coming.

Mr Peter Tabuns: I can see that, Mr Chair. Thanks, Mr Phillips, for giving me this opportunity to speak.

The Chair: You have a little less than 10 minutes — about seven, in fact.

Mr Tabuns: I understand that. My speech is timed; I think I'll make it.

Today I'm representing the liaison committee of the boards of health for Metro Toronto, a body comprised of members of boards of health for the six municipalities and the medical officers of health.

On behalf of this group, I am here today to request a change in the provisions of this bill with respect to the size and composition of the board of health for the city of Toronto.

Under the current wording of the legislation, the board size is set at a maximum of 13 members, with no requirement for provincial appointees. The boards of health in the existing Metro Toronto recommend that the act be changed in this regard. We're requesting:

(1) That the total members be increased from 13 to between 17 and 23, at the discretion of the new city, comprised of the following: elected councillors, citizen representatives from community health committees, school board representatives and provincial representatives.

(2) That provincial appointees be required members.

The rationale for these amendments is based on our long experience with how public health works best at the local level, namely, that the board represents a broad base of interests and constituencies in the local community; that it's accessible to the citizens; that it's linked to key municipal, social, health and community services; that it's open and accountable; and that there's direct provincial input.

The city of Toronto has had citizen-led community advisory boards with direct membership on its board of health for several years, and this approach has facilitated community input into decision-making as well as alerting the board to key health issues. As an example, the city of Toronto would not have responded to the AIDS epidemic the way it had if it had not been for the intervention of community-based members of the board.

We're proposing that there be community health committees for each of the existing municipalities, with representation from the community councils and citizens. Citizens on the board of health would be selected from these committees.

The size of the new municipality also requires a different approach than the size of the board of health. The maximum of 13 was appropriate in the days when there were many more health units covering much smaller populations. The new board of health will be responsible for 2.4 million residents, plus several hundreds of thousand of others who come into the region to work and to take advantage of our recreational facilities, in contrast to current city sizes ranging from a low of 108,000 to a high of 654,000.

1150

In order to be able to reflect the broad range of interests, diversity of needs and different regions in the new city, this board must be larger than those that cover fewer people. Given that the new city will have more citizens than three quarters of the provinces and territories in Canada, 23 members does not seem to be unreasonable.

A third reason is that having a larger board is effective in that it involves stakeholders in the decision-making

process earlier rather than later. The mix of elected officials, citizens and other representatives we have proposed will allow for wide discussion of the issues as well as for local issues to get on the agenda.

In summary, by facilitating broad representation such as we have outlined, a larger board of health will be more effective and efficient in the long run in fulfilling its mandate.

The matter of provincial representation relates to the fact that health is ultimately a provincial responsibility. Although most funding for public health will no longer come from the province, the Ministry of Health still sets and enforces the legislation and the mandatory guidelines for the delivery of services. You should also note that you'll be funding \$3 million worth of 100%-funded public health programs in the new city for infants. It makes sense that you have representatives on this board who are able to speak to provincial interests.

Historically, the creation of boards of health by the Ontario government in the 1880s was due to the fact that local councils were unwilling to use local tax revenues to improve sanitary facilities that would help eradicate epidemics and make their areas safer. Having pressure from a forceful provincial government was essential to overcome parochial interests which were unwilling to pay for public health staff and services.

It's hoped that such attitudes would not prevail today, although with the downloading of funding there is a real risk of erosion of services. Having a provincial presence at the table as budgets and policies are decided will help ensure that a broader, more objective view will prevail.

In conclusion, given that the objective of governance is to ensure sound decision-making through accountability to the citizens, we feel that our recommendations will help achieve that goal.

That's my submission. I'm available for questions.

The Chair: Mr Tabuns, thank you very much. We can either do that or Mr Phillips could make a further statement. We have about three minutes. I'm at your disposal.

Mr Tabuns: I'm happy to return the chair to Mr Phillips, and I again thank him for giving me the opportunity.

The Chair: Thank you, Councillor Tabuns, for coming.

Mr Phillips, you've got about three minutes, if you wanted to say a few more words to us.

Mr Phillips: Yes. There was one other issue I'd like to deal with. I think this relates to process. I used to be the executive director of the Ontario Public School Trustees' Association and was a school trustee for 13 years in East York. I had a large number of dealings with government in my roles. At the time I was most active, it was with the previous Progressive Conservative government.

What I noticed was the process they used then. For instance, they would come out with a green paper. That would be put out. Discussions would be held on it, responses would go in; those would be analysed. Then a white paper would come out. Same process: more discussion. Then, on the basis of the input on that white paper,

legislation would be drafted and put to the House. Then there would be consultations, both formal and informal, to work out any problems. The previous PC government, which stayed in power for decades, had an excellent methodology of reaching consensus in the province.

At one point during Mr Davis's tenure, he stopped that process. It was quite odd, because while his Minister of Education at the time, Bette Stephenson, was in Ottawa giving a speech saying there were no plans to extend funding to Roman Catholic separate school at the secondary level, he and his deputy minister were meeting to draw up the plans, which they dumped at a cabinet meeting, to the surprise of everybody and to the shock of some people. I think basically that type of procedure led to the downfall of the Progressive Conservative Party in this province. I think that type of thing led to them being kicked out of office after all those many years.

The next two governments that came along — I looked at how they operated, and they had a lot of the same lack of consultation built in. They did things they would have been wiser to have more consultation on and to build a greater consensus on, but they had their agendas and they paid the price.

Now, along has come the Harris government. Frankly, it has fallen into the same trap. It is operating not on the basis of developing consensus in the province, but in taking an ideology and ramming it down the throats of the people without paying attention to what they want and what they believe, and without working out the problems and taking enough time to build consensus. Not only is it a bad way to govern, but it makes terrible errors, and it of course has to pay the price.

I say to you that you are on the road to oblivion as a party in this province because you are alienating so many people who will not forget and will not forgive, who not only do not like what you're doing but absolutely hate it. There are people who are very disturbed by what you're doing.

The Chair: Sir, we're about a minute over.

Mr Phillips: That's what I wanted to say.

The Chair: You've obviously been through the wars and experienced a few things. We appreciate your coming and giving us your thoughts.

Ladies and gentlemen, this committee is recessed until 3:30 this afternoon.

The committee recessed from 1158 to 1533.

BOROUGH OF EAST YORK

The Chair: Ladies and gentlemen, the agenda is before you. We have the borough of East York with us. There's a long list of people who are here. Is Mayor Prue here?

Mr Paul Robinson: He is not here as yet. He is on his way.

The Chair: You're Councillor Robinson?

Mr Robinson: That's correct.

The Chair: Councillor Robinson, perhaps you could come to the front so we can carry on a dialogue with the microphone on.

Interjection.

The Chair: We almost had a new mayor.

Mr Michael Prue: That's the way we do things in East York.

The Chair: Sir, welcome to the committee. There is a long list of individuals from your borough who are here. How you present the position of the borough of East York is your call. You can call all or some of them or however you had planned. You can have them all come to the front or many of them come to the front, whatever you wish. In any event, you have an hour to make a presentation to the committee and the committee is awaiting your comments.

Mr Prue: Thank you very much for inviting all of East York here today. As you can see, this is potentially a passionate and hot topic in East York. I realize that most of the other municipalities of Metropolitan Toronto have not or will not be making deputations. I have to state for the record that we found it a little strange that given the content of Bill 148, which deals largely with boards and committees and with Metropolitan Toronto issues, the municipalities would find themselves in the position of having to choose who came to address your committee. I don't know whether this is a common practice, but I must state for the record we found it a little bizarre.

However, the people of East York had indicated to me in great numbers that they wished to appear primarily on two issues. The first issue is related to health and to the boards of health. There will be two deputants to speak to health issues as they relate to East York and to the setup of the new board of health for the megacity, and the remaining deputants will be here to talk about a potential amendment to Bill 148. I hope that fits within the category. This is the amendment about proper representation for the borough of East York. I'm sure you have heard it before, but I want to assure you, you will hear it again many times.

The Chair: A couple of members of the committee have referred to it from time to time.

Mr Prue: It is such a hot topic that in this election, going door to door, it's probably the number one issue raised: the lack of representation for the borough of East York on a ratio of 54,000 to 1. People cannot believe that we are being treated that way and are hoping the Legislature will recognize this and make an amendment or adopt an amendment or a private member's bill or whatever it takes. Those will be the last three deputants. The first two are Dr Sheela Basrur and Paul Robinson on the health issue. The last three I believe will be talking primarily about the third representative, and those people are Doug Taylor, Maureen Lindsay and Norm Crone.

I've also been asked to state for the record that a previous deputant who was also from East York has already given her deputation and is here today as well, Margaret Simpson; if it could be just noted that she is an East Yorker and whatever she said that day she says on behalf of East York as well. Without further ado I'm going to turn it over to the deputants for the remaining period of my time, unless there are additional questions.

I must apologize to you and to the deputants, but I'm at Metro Hall today and they're holding an item for me. I'm the next speaker on the list, so I'm only going to be here for a few minutes and I have to go back, but thank you very much.

The Chair: Sir, thank you for taking the time. I know your time is taken up by other matters and we appreciate your coming. Perhaps members of your council — is it Councillor Robinson? — could fill in for you. Thank you for coming.

Mr Robinson: I'll be the only speaker in this deputation. If MOH will assist me in answering any of your questions, I'll begin.

Good afternoon, committee Chair and honourable members. Mr Prins, your clerk, has copies of my presentation. I just ask that it not be handed out until I'm finished. I've been here with deputations and I know that you'll read along with me. I don't want that.

I'm here on behalf of the board of health for the borough of East York to present the position of the board of health on Bill 148. The board's position has three components. The first component is:

(1) That subsection 45(2) of the bill be amended to raise the proposed size of the new board from 13 members to 23 members in order to include a broader base of community representation on the board;

(2) That subsection 45(3) be withdrawn in order to permit the inclusion of provincial appointees to the new board of health, as is the case for all other non-regional boards of health in Ontario;

(3) That section 123 be amended in order to provide a sunset date for the interim board of health that would be no later than June 30, 1998.

On component number one, the size of the board: Under Bill 148, the new city of Toronto will have a single board of health. The actual size will be determined by the new city council and will have a maximum of 13 members.

The upper limit of 13 is set in the Health Protection and Promotion Act and applies to most boards of health across Ontario, the exception being regional municipalities where the regional council itself serves as the board. As the new city will overshadow all other municipalities in sheer size and complexity, the usual size restrictions for boards of health should not apply.

Furthermore, prescribing the size and composition of the new board in statute will make future changes almost impossible if these terms prove inadequate. We believe the terms defining the first board of health for the new city should give the city the flexibility it needs to construct the new board in a manner that best meets the needs of its residents.

The new board of health will face substantial public health needs and service challenges, and I'm going to go through the statistics that the new city will have:

Child poverty rates that are seven times greater than in neighbouring municipalities in the GTA: Over one in three families live in poverty; 36% of residents who speak a home language other than English or French; four times

the number of immigrants than the provincial average; over 60% of all the tuberculosis cases in Ontario; and 70% of all the AIDS cases in Ontario.

The six boards of health in Metro have recommended to the Toronto transition team that the size of the new board range from 17 to 23 members. In keeping with the broad mandate and collaborative nature of public health, membership on the board should include, here we go, geographic representation; constituencies with an interest in public health, for example, school board trustees; city councillors; and citizens at large. Broad community and political representation will be impossible to achieve with a 13-member limit, but it can be done with a modest increase to 23 members, which is still less than half the size of the new city council.

1540

On caveat number two, provincial appointments: Bill 148 supersedes the Health Protection and Promotion Act by specifying that all members of the board shall be appointed by council. Everywhere else in Ontario, with the exception of regional municipalities, boards of health are allowed to have provincial appointments. In the experience of East York board of health, provincial appointees have brought to the board a view of community health needs and priorities that is truly at arm's length from political pressures. This has been essential for the board to make decisions and recommendations that truly reflect the best interests of public health.

In this respect there is no reason to treat the board of health in the city of Toronto differently from all other boards of health in Ontario. Public health will continue to serve primarily a provincial mandate and provincial appointments are consistent with that accountability.

The final component, number three, the interim board of health: The new city of Toronto will also have an interim board of health, which will be in place from January 1, 1998, until city council appoints a new board of health. The interim board will be comprised of the current chairs of the six boards of health. While the interim board will bring continuity between the soon-to-be-former six boards of health and the newly unified board of health, we do not want to see a six-member interim board carry on indefinitely, as this will seriously undermine public health programs and services, we believe.

Therefore, we recommend that a sunset clause be added to ensure a new board of health is appointed within six months; that is, no later than June 30, 1998.

Barring any questions, those are my submissions on behalf of the board of health for the borough of East York Health Unit.

The Chair: Councillor Robinson, normally we leave questions to the end and we can do that, or we can have some now. The risk of doing that is that the other people who wish to speak may not have an opportunity. I'm wondering if it might be appropriate to save questions more to the end.

Mr Robinson: Your way is more appropriate, Chairman. I'll wait and I'll try to restrict my comments to this, with the assistance of Sheela Basrur, the medical officer

of health. I can't speak on some of the other issues because I am a candidate in the upcoming election.

The Chair: Good for you. Could I ask you to act as master of ceremonies for your delegation, Councillor Robinson, to introduce whoever is speaking next?

Mr Robinson: If I have an agenda, I can assist you.

The Chair: I have a list. There is an agenda which is simply a list of names.

Mr Robinson: Councillor Crone will be next.

Mr Norm Crone: Thank you, Mr Chairman

The Chair: Good afternoon, sir.

Mr Crone: It's nice to see you again. I thank you and the members of the committee for giving us this opportunity. My name is Norm Crone. As you pointed out, I am a member of East York council, but I think I should be clear that I am not delegated to be here by council. I'm here just as an individual.

The advent of the unified city of Toronto on January 1, 1998, has been greeted with a great deal of concern in the borough of East York, where I've lived my entire life and where I've served as a local councillor for many years. I'm not a candidate in the upcoming municipal election and hope to be able to speak to you today with a certain degree of personal detachment from possible self-interest that most of the other council members, as candidates, would not be able to do, and hope that you will accept my comments in that spirit.

In February, the Premier was quoted in the Toronto Star in regard to the referenda as saying, and I quote: "What's important is that we," and I assume he meant by that the government, "try to sift through all the maze of confusion and try to sort out what people are really concerned about and address that. We'll try to do the best that we can."

These past months, we in East York have also been trying to do just that through various public meetings and focus groups. All of this information has been conveyed, as it should be, to the transition team. There is one item, however, that seems to be bouncing around in this whole process which I believe can only be dealt with by you, to avoid a totally unworkable political structure being put in place on January 1, 1998: That it is in regard to the issue of the community council. This is, in my opinion, "the" East York issue.

In an August 1 report from our chief administrative officer, she said, and I quote:

"East York is in the unique position of being represented by only two councillors on the new city council. This reflects a representation of more than 50,000 constituents per councillor" — the mayor just mentioned a figure of 54,000 — "a situation which the East York community considers unworkable. A community council of only two poses difficult challenges both legislatively and practically. A quorum will require 100% attendance. While the possibility exists for the votes at all community councils to be tied, the votes at East York's two-member community council will result in decisions being made by the community council chair only, on most occasions."

East York residents in their feedback to us on this bill clearly indicated that a strong sense of community remains an ongoing priority. In her August 1 report, our chief administrative officer went on to say, and I quote again:

"Local identities can be sustained and enhanced through the community councils, special events, local service delivery, and local decision-making. Sustaining strong local identities will lend itself to pride and support for the new city."

This seems to me to be consistent with the objectives of the legislation, Bill 103 as well as Bill 148.

I believe that a viable and stable community council will be a critical element to the success of the future unified city of Toronto. I'm here today to request that Bill 148, entitled An Act to deal with matters relating to the establishment of the new City of Toronto, include a provision to either provide a third councillor for the ward currently designated as ward 1, or East York, or divide the ward into two wards.

The former would provide for more equitable representation of East York with the rest of the unified city; that is, approximately 36,000 residents per representative versus 40,500 average for the rest of the city. The latter, that is, two wards, would provide for somewhat overrepresentation for ward East York, approximately 27,000 representatives per member of council, but would maintain the principle of two councillors per ward and an overall uneven number of members on the council of the new city of Toronto: 58 councillors plus one mayor.

The concept of somewhat higher level of representation for otherwise smaller political entities is not unknown. For example, the members of parliament in PEI represent fewer people than do those in the rest of the country and it does not seem to create any major problems. As a matter of interest, there are four federal members of parliament for a population equivalent to about one and a half to two ridings in the rest of the country. I would note that the population of PEI is only slightly higher than that of East York. It's roughly equivalent to the city of York.

To me, however, the more critical point than the ratio of representatives to population is, at least starting out, the East York community council as envisioned by Bill 103 as a viable political entity, and that requires at least three councillors. Otherwise, it's obvious that without a unanimous decision, no decision could be made. There have been suggestions in some quarters that the new mayor of Toronto might sit as a member of the community council, but given the other responsibilities that will undoubtedly be required of him or her, I doubt that it would be feasible on anything but an extremely temporary basis. There are limits, I think, to what a single person is capable of doing.

I'm well aware of various statements that the new city council will have the power to vary the composition of the community council or the number of councillors for a ward like East York. Let's face it; without a near miracle, however, the East York community council won't last for the three years until the next election for the implementation of any post-municipal election changes. So if even only on a transitional basis until the new city council can

sort out the whole issue of the community councils in the future city, their responsibilities and so forth, I'm asking you to please amend Bill 148 to provide for the third councillor.

The third-councillor concept enjoys very widespread support not only from East Yorkers, who cherish the accessibility of their current council, but from virtually every other quarter we've addressed this to, including candidates for the position of mayor of Toronto, both leading candidates, I might add — I know there are several others; from the chair and members of the transition team who met with us, East York council, at a public meeting in June; from our member of the Metro Toronto council — I notice he's on the agenda to follow us today; from our own council, who still represent our local community at least until the end of December; and most important by our residents, whom we are all trying to serve and represent in our own way.

1550

The Chair: There may be questions. You can stay where you are.

Mr Crone: I'll just wait. If there are any questions, I can answer them later.

The Chair: I have two other names of people we haven't heard from yet; it says "residents" Mr Taylor and Ms Lindsay. Perhaps, Councillor Robinson, you could introduce them.

Mr Robinson: This is Mr Taylor. He has just given your clerk copies of his presentation.

Mr Doug Taylor: Good afternoon. My name is Douglas Taylor. I'm an East Yorker. I have been a property owner in the borough for the past 23 years with my wife, Jamie, who was born and raised in East York. Today both of us have full-time employment in our community and are active and caring volunteers for several borough organizations and committees. We care about our community, we care about our borough council and our local government. We care about the loss of our local council and of democracy with Bill 103 and we care about our community's future with the amalgamation of East York into the new city of Toronto on January 2, 1998.

Today I want you, committee members, to be aware that as an active citizen in borough affairs I have also been part of the debates, hearings, and public consultation process concerning the amalgamation of East York into East York ward. As a result of this involvement, both my wife and I have become increasingly informed and concerned. As East Yorkers we can see our community and service issues being adversely affected by the lack of any provisions to increase our councillor representation by the same ratio by population basis as the other cities. This really came home to us just over the past few weeks.

I would like to describe to you a recent incident that occurred in the Legislative Assembly that confirmed our belief that an amendment to increase councillor representation before the municipal election should be part of Bill 148. This incident also helped to persuade me to come forward and speak today, which is something I have never

done before. I know that in making my request to this committee, I am doing the right thing.

What I heard and observed in the House was as follows. On Thursday, September 11, 1997, I accompanied several of the East York municipal candidates and other borough citizens to the Legislative Assembly. We were present in the members' gallery when Ms Churley asked the Minister of Municipal Affairs and Housing to help resolve this issue of our representation before the next election. She asked for consideration of Ms Lankin's amendments that would allow an extra one or two councillors to be elected on a transition basis for the next three years. This would give the new council further time during their hectic first term to consider changes within the bill.

We heard his reply. I would like to quote Hansard:

"I don't see this as a major problem." He is referring to the present number of councillors for East York ward. "Metro council at the present time has two representatives from East York and they represent their community extremely well. I don't see any problem whatsoever with two members from East York continuing to represent the needs of East York equally as well."

He also suggested that the new council might deal with our issue at an earlier time, and ended his comments by saying, "I know that two representatives from East York have represented that community extremely well at Metro council for many years and I see absolutely no reason why they couldn't continue to do that."

I respect the rules of the House as to the members of the public not replying, but it was very hard to sit there and not shout out, "No, sir, we have eight borough councillors and two Metro councillors handling this workload. We are not asking for the same as before; we are asking for an increase based on the same ratio of representation as in the other cities." I'm speaking today because this reason given by the minister is not a valid and realistic representation of East York's dilemma, one not of our own making.

Today and over all our years of history my borough council has worked at the most local level to resolve neighbourhood issues, often quickly, often onsite. The operative words here are "at the most local level." Also, because of our open speaker access and on-camera council meetings, East Yorkers have had direct input into their council decisions concerning fire service, health servicing, libraries, local planning, local roads and traffic regulations, local parks, water delivery, residential street safety and lighting, and list goes on.

Because we've had our city councillors working at the most local level among neighbours, we have been able to mend fences, so to speak. We have never had this direct speaker access at the Metro level and we will not have direct speaker access at the new city council. East Yorkers will miss this privilege. In addition, our new city representatives and council must deal with Metro-wide concerns, regional concerns and community council concerns. Let us be realistic. Among all the demands of a first term, just how much time will be spent on community issues?

Also, East York has the added burden of an unjust and untenable community council structure.

Today I have come here and talked about the urgency of East York's representation issue. This is an issue about fairness and equity as well as service and access to the new government for East Yorkers. I believe that this committee can recommend a working amendment to the House to resolve this issue now, before the municipal election. East Yorkers and their candidates have agreed that it is essential to have this pre-election time so that we can discuss together the issues and concerns with the same rights of future ratio of representation as the other cities. I thank you.

The Chair: On behalf of the committee, I thank you. There may well be questions of you. I believe there's one more name.

Mr Robinson: Ms Lindsay.

Ms Maureen Lindsay: Thank you for allowing me the opportunity to speak here today. My name is Maureen Lindsay and I am a proud resident of East York. I am a community volunteer and I am the chair of the East York property standards appeals committee. I would first of all like to thank our mayor for allowing us some of his time.

Today I would like to ask this committee to propose an amendment that will increase the elected representation for East York. An elected representation of two is neither fair nor workable. Our population indicates that we should have at least three councillors. We, the citizens of East York, do not want our fate for fair representation left up to the new city council, nor do we want to be left in limbo for the next three years.

I believe it is section 16 of Bill 148 that allows this committee the right to propose amendments to Bill 103. I believe that Bill 148 was introduced so that deficiencies in Bill 103 could be rectified. I hope this committee will be making proposals to correct the oversights and errors in the original bill. I am sure that if you consider the position of the electorate of East York, you will agree that we will not have fair representation. We should have the same rights as any other member of the new city.

In closing, I would ask that this committee please propose a motion to increase our elected representation from the present number of two. I'm finished.

The Chair: Okay. I'm just trying to determine how we're going to ask questions. I know that members will wish to ask questions of the various people who have spoken. We don't appear to have one caucus here; we appear to have two caucuses.

Ms Marilyn Churley (Riverdale): You might say which ones.

The Chair: I'm sure you will tell them which ones. We have about half an hour. We'll give each caucus up to 15 minutes to ask questions, if they wish. Whoever answers is going to have to come to a microphone.

Mr Robinson: Chairman Tilson, can we have them all join us now?

The Chair: Yes, please.

1600

Ms Frances Lankin (Beaches-Woodbine): Thank you all for coming. I think you raised some very important issues in both aspects of the presentation to the board of health issue. As I understand it, there have been representations from some of the other cities for expanded numbers on the board of health. I also think you raised a new issue for the committee to consider with respect to the interim board, and that's important. We're going to have to take a look at that and see what might be possible to address those concerns.

I would like to ask a couple of questions with respect to the issue of representation. As you know, I've submitted amendments to this bill before this committee and I took a kind of smorgasbord approach. We started with the call from East York for three members and three councillors. There was some indication from members of the government that they were concerned about a potential tie vote on the council, and I think, Councillor Crone, you referred to this in your remarks.

I put in another amendment that said, "Okay, you don't like three; you can have four." Then the response came back that the new council really should decide this issue, in terms of boundaries and those sorts of things, in the future and they'll have the power to do that. In fact the transition team has indicated that they are going to be making recommendations along those lines for making workable community councils.

But I think many of us were concerned that the first three years would leave East York in limbo, that a new council with many challenges in their first days may not get to that kind of issue until a year or two down the road. But given the seeming reluctance, and looking for a compromise that perhaps the government could support, we put in alternative amendments which actually called for the addition of a third councillor on a transition basis, that being the first term of the megacity council, which would then allow the council to work through some of these issues.

I know that your approach has been to hope that the government would support a permanent additional councillor for East York, but I'd like to know whether you had discussions among yourselves and whether the community would support the compromise position with the government that calls for an additional councillor for that transition period of the first term of the megacity council. Doug, why don't we start with you, and then perhaps Councillor Crone and others may want to join in.

Mr Taylor: If we were granted this third representation, it would make things a lot smoother for everybody, especially when you go into the new, I call it the grand council; I don't call it a mega-council. In the grand council they have a lot of work ahead of them. To put something forward to them of this nature, for them to get third representation, that's time. I believe by having that third representation we can go on, we can definitely go on, and that is what it's all about: It's continuing. Once January 2 is here, the first thing that should not be on the agenda is that third representation. There are other things to work on,

other things to do, and if we concentrate on this — and grant us third representation through this transition period — it makes things a lot smoother for us all. I think that point is what we have to look at as a whole. Mr Crone, can you add anything to that?

Mr Crone: I think the question was particularly, had we had any formal discussion of this and input? Certainly, as I said, I'm not here as a representative of the council. I can't recollect any specific discussion of the issue of a transitional councillor, but the whole issue of the third councillor is something that has actually come out of the community. Anyway, I think as you heard from other members of the community, the whole issue is — fine, you know we accept Bill 103. We're just trying to make sure that when this is implemented, it's a workable structure. It's the art of the possible and I think it very well may be a transitional issue. Who knows down the road what the new city council may do in terms of the structure of the community councils?

I'm not a candidate for councillor. I can't imagine how these people are going to deal with the barrage of issues that's going to be coming at them in the early days in particular. I see this as a transitional issue. My concern is that if something isn't done before or as the new council takes office, by the time the new council can deal with it, goodness knows what the situation is going to be.

Mr Taylor mentioned East York in his presentation and made reference to the two Metro councillors. Bear in mind that East York has one Metro councillor, Mr Ootes, who will be here momentarily, and our mayor, ex officio as a member of Metro council. That's two out of 34 members of Metro council. We're now talking about two out of a council of 57. So the ratio certainly is a lot different from what it is even under the current Metro council structure.

Ms Lankin: I have another question but I'll let Ms Churley go first.

Ms Churley: Thank you, and thank you for coming to give your deputations today. I'm just wondering, and again talking about the big issue we've come to here that everybody in East York wants, and that is an amendment. I presume you don't care whose amendment it is as long as it gets through. We've made it clear that the government would prefer to put in their own amendment — "Let's just get the job done." I'm just wondering since the last time we talked, between now and then, have you had an opportunity to speak directly to the minister or to the parliamentary assistant? I'm sure he's going to have an opportunity later.

I know that Mr Gilchrist has expressed some interest and I'll let him speak for himself. It seems to me there generally is an understanding that there's a problem here, even from Minister Leach. He prefers, however, to leave it up to the new city council. Do you have any sense that there is a real understanding that this is needed, that generally a mistake was made? Are you seeing any changes? Is there anything more we need to do? Time is running out on us here.

Mr Crone: First of all, I'm not aware that there's any approach to the minister directly or to Mr Gilchrist, the

parliamentary assistant. There was an approach, I think, through our local members of the Legislature and I know there was some frustration on the part of the councillor who did that because it went to an executive assistant. It went around and at the end of the day it was — essentially it's being referred to the transition team.

Ms Churley: I'm sorry, I don't know whom you mean, what local —

Mr Crone: To the transition —

Ms Churley: You mean the local East York —

Mr Crone: Yes, to one of our — I didn't do it personally, but I'm told by one of my colleagues that he did this. The bottom line, however, seems to be that it's being given to the transition team. Mr Tonks and Mr Wimbs — I can't remember if there was a third one, but at least two of the members of the transition team came to East York in the June time frame. This question was asked and the answer we heard, certainly in my opinion, was that they were sympathetic to this. But I think it's kind of chicken and egg. The transition team is not able to deal with this. I think the place where this issue can be resolved is here. If it's resolved here, then the transition team I don't think would be a problem. The transition team was here the other day. I don't know if the question was asked of them.

Ms Lankin: I put it to them.

Mr Crone: Is my answer consistent with what they said?

Ms Lankin: It's consistent. Mr Sutherland indicated that the transition team heard East York, recognized the importance of the issue, and in some of their recommendations to the new council dealing with community councils they hope there might be a mechanism there that the council might be able to deal with this in the future. A lot of that is "might" and "in the future."

Mr Tonks indicated that he saw no reason to oppose any measure being taken now, at this point in time as a transition member, to add another councillor and that the new council could deal with the issue down the road. So there certainly wasn't any disagreement from the council to proceed at this point.

Mr Crone: That was the sense I had as well. Others may have other things to say.

1610

Ms Lindsay: If I may, I think it's very important that you all be aware that we, the citizens, see it as a very major problem. When this transition begins, there are going to be so many vital, very important issues that are going to have to be dealt with. That's why we, the citizens of East York, would like to see them dealt with at this level, so that come January 1 we know where we stand and how our community will be served. We feel it is vital that the person, if a third councillor is granted, be elected. We do not want an appointed person, we don't want someone filling in, because if they are elected by the people, they are accountable to the people, and that is what we ask.

Ms Lankin: I would like to ask one question with respect to the board of health issues. In your presentation you talked about the fact that much of what the board of

health would be doing would be continuing on with provincially mandated programs, and yet the desire for flexibility in terms of the makeup of the council I think reflects the reality that there are different population health needs in the different parts of the new big city. I was just wondering if you could reflect on that. My sense is that East York and your focus on healthy heart programs is very much geared to your population, compared to some of the inner-city health problems the current Toronto Board of Health has been dealing with. Is that part of why you see the need for this flexibility?

Dr Sheela Basrur: Part of the request for flexibility in the total size of the board is to do with the complexity of the local communities within what is currently known as Metro. They range considerably, as everyone knows, in income and ethnic profile and a whole range of factors that influence health.

In addition to that, though, in other words in addition to the need to tailor provincially mandated programs to local needs, is the complexity of service providers with which we have to work, other boards of directors, if you like, for non-profit agencies or for associations of consumer groups, parents, other people who wish to have a voice in the definition and resourcing and priority setting of public health programs.

It's really to enable a voice to be given to community groups and associations and the like that we wish to have an expanded board of health, in addition to the fact that we know we need to have an equal balance between elected members and appointed members. If we have only 13 people and we want to have an equal balance between elected and appointed, that leaves only, say, six or seven seats for the entire range of community voices that may wish to have a seat, and we don't think that's enough.

The Chair: You've got time for about one question.

Ms Lankin: This is not a question. I just wanted to indicate that the clerk has circulated copies of the amendments that I have tabled with respect to the composition of the council and representation for East York. I would like to get some clarification from the clerk. It doesn't have to be right now.

There are two versions of the amendments here. One is the permanent third member for the ward of East York and the other is the transitional measure of an additional member for the first term of office. There should be two other amendments as well which would provide a permanent fourth member or a transition fourth member. There are actually four amendments that I had tabled so that the committee had the widest range of opportunities and we could hopefully negotiate one we could all support. I'd just ask you to check, and if there's a problem, we can ensure that we get the other copies to you.

The Chair: Thank you. That's it. We'll now start with the government caucus, which also has 15 minutes.

Mr Gilchrist: Thank you all for coming before us. Our hope was, when we had laid out the original format, that other cities would follow the lead of communities such as yours and bring people who reflected a broad spectrum of

issues but identify the issues most important to them. I think you've picked two very good ones.

Let me start off with the issue of representation. I certainly would like to confirm that Ms Lankin and I have had discussions on a number of occasions. She's been very up front and I would join with her in trying to find, if at all possible, some reasonable middle ground in all this. I know that Ms Churley and Mr Parker have also expressed their interest in this.

Help me out in something here, and I ask this quite sincerely. The ward that overlaps my riding has a population as great as East York's. In the past census it was slightly lower, but we've had over 1,600 new homes built in Scarborough East and obviously over 5,000 more people just in those developments alone. In my discussions with Ms Lankin we've talked about whether it should be three or four. Let me ask you, and perhaps Mr Taylor could comment first.

There's no doubt that today East York is at the upper end of the scale. It is also a very stable community. That's one of the things, of everything we heard in Bill 103, people value about East York, that you haven't been beset with large redevelopment projects and that's the way you would like it to stay. That's totally appropriate. A community should be able to reflect those views. So it's not likely, as we look down the road, that there will be significant growth in East York; some, perhaps, but not significant.

There are still some parts of the existing Metro Toronto with a lot of open spaces; Scarborough Highland Creek, for example. The ward north of us, just immediately north of the 401, has vast tracts of land and there are existing applications before Scarborough council for 3,000 homes along Sheppard Avenue between Highway 2 and Morningside, just a very short stretch of Sheppard Avenue and an extraordinarily high density of developments have been proposed by a variety of property owners.

As we go forward with the proposals Ms Lankin has made here, we have to look at the real numbers, not just today but throughout the term of the three years. Depending on the direction, one of the suggestions was that this be made a permanent addition and one is to do it simply transitional, so we have to weigh those two things: Is it appropriate within the next three years or is it appropriate in the longer sense?

I would ask you, how would we reconcile with the people of wards that have the same population or greater today, or three years from now, or at some point in the future, if we make an exception for East York that we don't make for them? Let me leave it with that and invite your comments, Mr Taylor, and perhaps Mr Crone and anyone else.

Mr Taylor: I would like Mr Crone to answer that question because he sits on council and he's actually more knowledgeable in answering that question. I have a vision of East York growing in this period. We have a senior population of I believe 20% and, as you know, we don't always live long but hope. I know for a fact that we are going to have growth in East York, I see that vision, and

without fair representation how can we go on? If you don't mind, I'd like to have Mr Crone finish my comments.

Mr Crone: First of all, you mentioned that we were the only representatives who were here and perhaps because, as part of our tradition, we have such an open council process that anybody who wants to come into any council meeting can come in, as you probably know.

I think you raise a good point. I tried to address that in my presentation when I said that to me, notwithstanding the issue of how high or how low the representation is, the most critical point wasn't really the ratio of representation but was in fact getting a political entity, the community council, at the beginning, at least, that could work.

Later on I don't know what the city of Toronto council is going to do. They may rejuggle the wards, or goodness knows what they're going to do. To me, the primary concern was the initial situation that we'll have in January, because no matter what happens, if we're going to end up with a community council of two, it's going to be very hard to make it work.

I addressed somewhat that other issue, however, when I pointed out the parallel with Prince Edward Island. There we have a province with a population of about 140,000 or 150,000 people, compared to our 108,000, with four federal MPs. Each federal MP represents probably fewer than 40,000 people compared to the 80,000 to 100,000 that is quite common in Metro, and I'm sure there are ridings that are even larger. While yes, there has to be some semblance of equity in it, it seems to me that hasn't caused a problem there and perhaps it won't cause a problem here.

I honestly think that people would recognize that there's a unique problem with East York having only the two members. In Scarborough you're going to have several members, I'm not sure how many it is, but several members anyway, so there is opportunity to make these adjustments later.

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I might add also that in East York, while it may appear to be very stable in terms of its size, we have several large development proposals. Our council chamber for the last several weeks has been taken over by the OMB. There's a Kosmor development at Brentcliffe and Eglinton which, depending on what the OMB decides, could have a large residential component in it. We've recently approved residential developments in the Thorncliffe East York Town Centre area. We have the Alcatel site, which has just passed for commercial development, although there's some possibility that could be appealed and perhaps would end up being something else. That's a 28-acre site. While East York seems to be somewhat stable, there is a fair amount, in proportion, of development going on.

Mr Gilchrist: Certainly, as you say, there's some growth.

Ms Lindsay: If I may, I'd just like to comment about the street where I live. When I first moved on Thyra Avenue we had a lot of seniors, but over time a lot of them have been going into seniors' housing. We have many young families with two or three children and it seems to

be happening on every street throughout the borough. At one time we probably had the highest population of seniors in Metro, but today I think that is really on a turn. Evidence can be found in the increased enrolment in our schools and all the portables in our schools.

Mr Gilchrist: Indeed. My comment really related to open space, but I certainly accept that places like Acatel could very well face redevelopment applications. But to come back to the question, let me pick up on something you said in your original comments, Mr Crone, because I think there may even be another option before us here that has not been discussed perhaps as widely. I believe at least two of you made comment about the fact that there are only two representatives from East York in Metro council today. Without rehashing the whole Bill 103, Metro spends 74% of all the dollars; it deals with all the social services, the major roads, that sort of thing.

Whatever East York is today, clearly it has become that in the context of 40 years of certainly representation that wouldn't have won a vote if it was East York vs everybody else. I accept that the ratio changes, but even today 32 to 2 would effectively be the result if East York were to do something that was not seen to be in the interests of a majority of the peoples in Metro Toronto. So whether it's 32 to 2 or 55 to 2, I think we would all accept that for any application to go forward to be successful, it's going to meet the test that at least the majority of councillors — it has always been the case that you had to have some Etobicoke or some Scarborough or some North York support.

You raised in your comments the suggestion that the real problem was the community councils, that today you have eight, and the ability to influence local decisions and reflect local values is what you see most constrained by going to two, and the possibility for tie votes and the need for unanimity to get anything passed. I'm wondering whether you have considered as another option that rather than a third person who goes to the city council, more people be added to the community council. I'll posit this as an option, just to throw it out for the purposes of discussion, that the person who comes third in the balloting would be considered to be the third person on the community council, which would guarantee you have to have a two-thirds opinion. There still is the public expression with the third most popular candidate in the race.

That allows us to make your case that within the community council there is a need to break ties and things like that, and three is 50% larger than two and would allow the increased representation there but still not create a dangerous precedent at the city council level. As I say, even today when the numbers come out for the final enumeration, I'm very confident you'll find that if East York is still number one, it won't be by more than a thousand people, and by the year 2000 I can almost assure you that even with the growth you've spoken about, you will not be in first place.

It would avoid the need three years from now to have somebody come back here and say, "Now we need an exception for Scarborough-Highland Creek and we need

an exception for Scarborough-Malvern etc.” I’m wondering whether it’s the local issues and the need to break the tie and do those other things you spoke about, councillor, whether that might be acceptable or whether another compromise should be considered.

Mr Crone: I have to say, first of all, it’s an interesting proposal. I can remember being at one of the local meetings and someone had come along with an idea of electing four councillors, I guess it was, and have it on a rotation basis, that for a while this one went to city council and for a while that one went. We did not put it forward because it seemed to be so much at odds with the overall structure that had been put in place for the rest of the city. In other words, I guess then East York would be the only municipality that had two councillors and kind of a vice-councillor or something. I’m not quite sure what you’d call that person. Certainly something that would make the community council viable and workable at least in the initial period is more acceptable than a two-person council. I can’t imagine how it could work.

The Chair: You’ve got time for one more question.

Mr Gilchrist: Very briefly then, I guess in the converse, when you have the three, including representation on the city council, there are some other issues that come up. Now it’s an even number, which creates the possibility for tie votes on the really big-dollar questions that come forward — not too likely, hopefully, but that possibility is there. It it’s three out of 58 or two out of 57, no singularly East York issue would ever win. Remember that there’s nothing cast in stone about what authority is given to the community councils. Those decisions will be made by the new council. To a very great extent the same local input you have in your local council today, you’ll have in the future.

I just offer that as something else for your consideration. I would invite your comments, not just now, but between now and next week when we table the amendment.

Ms Lindsay: Mr Gilchrist, I would just like to comment. I understand where you’re coming from, but also in the bill as it now exists the city of York is getting four. They do not have double the population of East York, so I think the numbers game is going to be going on forever as communities develop. It’s going to have to be looked at again so people are fairly represented, but I don’t see why the city of York qualifies for four people. They are not double the population of East York.

The Chair: Sorry, we’re out of time. Did you have a point of order, Ms Lankin?

Ms Lankin: You’ll have to tell me. It may not be a point of order. It might be a point of something. I just wanted Mr Gilchrist to assure me that his line of questioning wasn’t an indication that he’s not still open to the possibility.

Mr Gilchrist: We have five people from East York here. I would like to keep an open mind —

Ms Lankin: Great. Terrific.

Mr Gilchrist: — until next week when all the amendments are tabled.

The Chair: Councillors Crone and Robinson, Ms Lindsay, Mr Taylor, Ms Basrur, thank you very much for your presentations. It’s been very worthwhile.

Mr Silipo: On a point of order, Mr Chair: Just so that we don’t get into some confusion later on when we’re dealing with whatever amendments we’re going to deal with, and you’ve heard the ones my colleagues would like to put, which I hope will find support from the government members, if there’s any difference of opinion on this it might be useful, which is why I raise it now as I look at Bill 103 — the composition of the community councils is set as per Bill 103 and it’s not something that can be changed by the new council. I just flag that.

The Chair: Are you asking a question of staff?

Mr Silipo: Yes. I’m raising it as a point of order and asking for clarification.

The Chair: The staff person is not back until 5, but do you have an answer, sir? Could you come to the front? We’ve got a brief minute. Do we know the question?

Mr David Spring: I believe the question is whether it lies within the purview of the new council to change the makeup of the community councils.

Mr Silipo: That’s right.

Mr Spring: I refer you to subsection 7(5) of Bill 103. That bill reads that the city council “may by bylaw dissolve a community council or change its composition” and, in the second part, “establish a new community council for any part of the urban area.” That is subject to the rules that follow, set out in subsection (6).

Mr Silipo: I can see that. Thank you.

The Chair: Thank you, sir.

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MUNICIPALITY OF METROPOLITAN TORONTO

The Chair: The next delegation is the municipality of Metropolitan Toronto, Councillor Scott Cavalier. I have some other names, sir, but I’m going to let you introduce your delegation in the order in which you wish to present to us. You’ve got up to an hour. I see by the raised eyebrows that you think you won’t take an hour to speak. Well, the members may or may not have questions. The floor’s yours.

Mr Scott Cavalier: I’m Metro councillor Scott Cavalier. Good afternoon. On behalf of the chairman and members of Metropolitan Toronto council, I want to thank you for the opportunity to speak to your committee today. I am accompanied today by staff representatives from Metro’s legal and finance departments, who will assist me in answering your questions following my remarks.

Metro council adopted its formal response to Bill 148 on August 13, 1997. The Minister of Municipal Affairs and Housing has a copy of our report, as does this committee. I don’t intend to go over every point we raised in our written response to the bill. Rather, I want to highlight what we consider to be the most pressing issues that

should be addressed through amendments to the proposed legislation.

In March of this year the Metro chairman made a presentation to this committee in which he outlined Metro council's practical concerns in response to Bill 103, the City of Toronto Act. We are pleased to see that by focusing on implementation issues, Bill 148 addresses many of council's practical concerns. However, some of the provisions in Bill 148 may in turn give rise to other practical considerations. These issues are described in our report, and where appropriate we have suggested specific amendments to resolve the issues.

A number of these issues we've raised in our report may not appear to be immediate make-or-break matters for the new city of Toronto. Nevertheless, they are matters that have an impact on the flexibility and tools that the new city will have to have to manage its affairs, both financially and organizationally. Many of these issues have been the subject of discussions between Metro officials and the provincial government for quite some time.

Bill 148 provides an ideal opportunity to address these issues. At the end of the day, I believe we all share the same goal, which is to ensure that the amalgamated city of Toronto has the means to function effectively and efficiently. Recommendations in our report are presented to you in that spirit. I urge you to consider them carefully and to amend the bill accordingly.

I mentioned at the beginning of my remarks that I wanted to focus today on what we consider to be the most pressing issues. These relate to the interim tax levy, the sinking fund, insurance, land use planning, and local boards.

The interim tax levy: I understand the transition team has also brought this issue to your attention. I would like to reinforce their concerns. As you know, municipal budgets are not normally set until the spring; therefore, councils generally pass a bylaw in December to authorize the collection of interim taxes for the few months of the tax year until the final tax bill is prepared and issued to taxpayers.

With the new council not meeting until January, the bylaw authorizing the collection of interim taxes could be delayed. We need transitional measures to ensure that the new council does not begin its existence with a cash management problem. We suggest to you that notwithstanding the provisions in Bill 149, the status quo should continue for the first interim billing in 1998; that is, for 1998 we would prefer to allow the interim billing procedure to continue under the existing practices. There really is no need to complicate matters in Toronto or, for that matter, in any other municipality undergoing amalgamation by introducing new rules to issue interim tax bills.

The new rules would require changes to existing tax billing systems in time for the issuance of interim tax bills in 1998. We request you to consider our suggestion as a transitional measure for the 1998 municipal tax year alone. The new city of Toronto can accommodate the changes contained in Bill 149 on interim tax billing starting in 1999. I understand that the new rules I'm referring

to are in Bill 149, which is not what you are reviewing today. However, the new city's capacity to accommodate those rules is related to the implementation of municipal finance structures and processes in the new city of Toronto, which are part of the legislation before you today.

The sinking fund: A number of sections within part XIV of Bill 148 deal with sinking fund debentures and their administration. Our report includes recommendations to make a number of housekeeping amendments to these sections. I want to draw to your attention in particular a couple of these recommendations.

First, we are proposing that the bill be amended to require all participants in a sinking fund debenture issue to fund any deficits in proportion to their participation in the issue. It is not yet clear whether the new city will be issuing debentures on behalf of the school boards, as Metro has done in the past. At issue here is the principle that if the new city borrows on behalf of a number of agencies, including school boards, all participants should share in the risk of any potential shortfall, as they currently share in surpluses which have been generated every year for the past 15 years. At present there is no provision for this to happen. To date, no sinking fund deficits have been sustained. However, there need to be provisions in place to deal with deficits in the event that they occur.

In addition, we recommend that a provision be included in Bill 148 to allow for the charging of related operating expenses to the sinking fund accounts, including committee member honoraria, management fees, bank and custodial fees. Such a provision would enable the new city of Toronto to recover the costs of administering sinking fund accounts from all participants, again including school boards. It is fair, and I believe it is in keeping with the government's support for user fees and cost recovery measures.

Insurance: I am aware that the transition team has raised the issue of insurance coverage in the new city as of January 1, 1998. I want to echo the transition team's concerns and reinforce for you the importance of dealing with this issue by making provision in the legislation to authorize interim insurance coverage.

Land use planning: On a variety of occasions, including Metro council's response to Bill 103, we have recommended that the new city of Toronto be required explicitly to prepare and maintain an official plan. Section 44 of Bill 148 provides for the existing seven official plans to continue to be in effect until the new council repeals or amends them. However, there is still no explicit requirement for the new city to have an official plan. We strongly recommend that a section be added to the legislation requiring the new city of Toronto to prepare an official plan. An official plan will provide an important means for the new city and its communities to express their collective vision of their future and how they intend to manage urban growth and change in support of this vision.

Local boards: The environment in which municipal governments function is changing rapidly. Municipal governments need to have a great deal of flexibility to adapt their organizational structures and ways of doing

business in order to meet the challenges of such a dynamic environment and in order to meet the expectations and needs of residents. We look forward to a new Municipal Act, which I understand will loosen some of the provincial controls that now shackle municipal government initiative, creativity and enterprise.

We are also pleased that section 93 of Bill 148 includes provisions to enable the new city to merge local boards. Section 91, however, places severe limits on the application of that power. We believe that the new city should have much greater flexibility to merge, restructure or even dissolve local boards and integrate the responsibilities and functions into the new city's line departments where that makes sense.

Currently, regulation 214/96, made under section 210.4 of the Municipal Act, gives municipal councils the flexibility to dissolve any board, change its form, function or name, or to assume one or more of the board's functions. This is an important power that the new city should have. We recommend that this power continue to be provided, either through an amendment to Bill 148 or in the forthcoming new Municipal Act.

To conclude, I want to acknowledge that Bill 148 is about implementation. It deals largely with administration and goes a long way toward smoothing the amalgamation. However, it does leave some issues unresolved. Those are the issues that I have spoken about this afternoon and which Metro council discusses in its report. Many are administrative issues that have been around for some time and which already have been the subject of discussions between Metro and the province.

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If the amalgamation is to succeed in renewing and invigorating Toronto, it is essential to take the opportunity to resolve these administrative issues and to ensure as smooth a transition as possible. Again I urge your committee to consider the recommendations in our report carefully, as I'm sure you will, and amend Bill 148 in the ways we suggest.

Now we'd be very pleased to answer your questions.

To introduce my associates at the table, from the legal department we have Jeff Abrams and Jack Horsley. Louise Eason is the treasurer and commissioner of finance for Metropolitan Toronto.

Mr Silipo: Thank you for the presentation, Councillor Cavalier. I have a couple of questions on what you said and some on issues you haven't covered. The sinking funds issue: I assume from your comment that they haven't been addressed, at least as far as the education pieces are concerned, the school board piece, in the new education bill that's just been tabled. Do you know, or have you had a chance to look at it?

Mr Cavalier: I haven't had the opportunity to do so. I'm not sure whether the staff has.

Ms Louise Eason: We are not aware at this time if these concerns have been addressed.

Mr Silipo: You're right that the interim levy was raised by the transition team. I, for one, think the sugges-

tion that has been made is quite sensible. I hope we can find a way to do that.

One issue I wanted to ask you about was in terms of the library boards. Has council looked at the issue of the continued existence, separate from the new library board to be established, of a separate library board for the Metro reference library? Did that ever come up in the discussions leading to the report?

Mr Cavalier: I believe, if my memory serves me correctly, we were looking at an integration of the existing board for the Metro reference library with the new library board.

Mr Silipo: That's what the legislation does. Clearly, it puts all seven together. As you may know —

Mr Cavalier: If my memory serves me correctly, that was the line of the discussion in that area, that the Metro council had —

Mr Silipo: — had taken that position in support of that. Well, as you know, there is another view which says that the unique nature of the Metro reference library can best be protected by having the separate structure continue, notwithstanding the amalgamation of the other boards. I just wanted to see whether council had taken a position on that. I've just received the report and I didn't know whether it was addressed in there.

Mr Gilchrist: Good to see you, Scott. Thank you to you and your associates for coming before us here today. I appreciate your bringing forward your specific suggestions and your proposed amendments. That will be most useful. As a general comment, I will certainly guarantee you that we will take all of these under advisement, but I do want to comment specifically on some of them, some good news we can leave with you even here. On page 7, as one of the comments you make dealing with the future evolution of local boards, you suggest that regulation 214/96 under section 210.4 of the Municipal Act would be something the new city should have. I can confirm to you that as a lower-tier municipality, once the amalgamation takes effect on January 1, you automatically have that.

Mr Cavalier: As a single tier?

Mr Gilchrist: The new city will have that power.

Mr Cavalier: Super.

Mr Gilchrist: In terms of your other comments about the local boards, there was some thought — not to suggest that further changes won't be forthcoming — that some boards are large enough — I think of the TTC in particular — that it was appropriate to single them out for different treatment than any other board the city may inherit or in the future may create and at some subsequent point decide to change or dissolve. Having said that, I think your more general comments we'll take under advisement as well.

On the issue of the land use planning, I guess I'm a little confused, given that every one of the six existing cities has an official plan that could vary —

Mr Cavalier: Actually, as does Metro now.

Mr Gilchrist: And there is a Metro official plan, yes. I was just going to say that. Given that the current councils have considered all the various issues before them, the

need to distribute the various services, and have cobbled together what they believe to be appropriate official plans, having put those six pieces of a jigsaw puzzle together, and recognizing that there is a Metro official plan which is an overlay even above those six subordinate plans, why would there be a need to incur the expense of going out and commissioning in effect another official plan?

Mr Cavalier: In essence, what we're looking for, if it's fair to make analogies, is a comparison with the existing Metro plan and the overall general thrust that the opportunity of putting together a large-scale official plan process gives to the council. As you are probably aware, from time to time there have been some conflicts between Metro and the local councils when it comes to the planning issues, although 99% of those times we're pretty much in agreement. But we have had instances where local municipalities, particularly in areas where they have been doing redevelopment, where you've run into a contradiction in responsibilities, if you will — Metro must provide the hard servicing, the major trunk sewers, water provision, public transit, and the local municipalities to this point in time have had the responsibility for making those specific amendments, so you get into a situation where the larger budgets are being driven by the smaller units.

What in essence we're looking for in this regard is to challenge the new city to look at itself for the first time, in many ways, as a complete whole. There's a number of specific things. There are certain areas within Metropolitan Toronto where there are services that exist that are underutilized, and one would hope that when looking at the large investment costs for major infrastructure, you would use what exists first before incurring additional expenditures and things of that sort.

Without that central official plan responsibility, I think there are times when the tail wags the dog. I personally believe there is a role to be played by challenging the new council to see itself as the one governing unit, particularly in large infrastructure investment.

Mr Gilchrist: I don't think anyone would disagree that as all municipalities are required, on an ongoing and set frequency, to update their official plans — I think your goal is certainly one that everyone would support. I guess the only question is, in light of the fact that a lot of time and money has gone into the current Metro plan — in particular I would ask you to put your mind forward.

Let's assume for a second that you're successful in the upcoming election. Help me out. You mentioned that in the past there have been times when there were conflicts between the city and the Metro official plans. Now that it will be the same councillor wearing in effect both hats, you certainly would not have any personality issues and won't have any political issues in the broadest sense of the word; you're down to pure planning. As you look back historically at the few times you say there were these conflicts, which you've had to deal with either at the city level or the Metro level, would the fact now that the same council is interpreting both the overlaying plan and the

subordinate plan not remedy many, if not all, of those past conflicts?

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Mr Cavalier: I can envision it remedying some, but it would be very much on an individual, ad hoc basis. I'm not sure, without institutionalizing the official plan process at the new city level, that you can be assured that that would happen.

You've mentioned a couple of times now about going through the expense. We don't envision that this has to be something that is done immediately but as there are the current responsibilities, where there's a review every five years and a more specific update on a 10-year basis. That's the kind of process we envision. It wouldn't be an annual, costly review.

Mr Gilchrist: I appreciate your raising it. As I sit here right now — and I'm at a bit of a disadvantage; I don't have other statutes before me — I thought the Planning Act covered that and would similarly apply to the new city. I appreciate your point, and we'll certainly consider that in the context of not just Bill 148 but the other relevant statutes.

You made a couple of other good suggestions and we'll take them back as well. The sinking fund: Again you can help me out on this. Particularly on page 5, the top paragraph, you mention provision to allow for the charging back of other related expenses. Are these special considerations available to other municipalities today? Is this an oversight, or is this something you envision only because of the size of the new city or the complexity?

Mr Cavalier: Sinking funds are Louise's specialty.

Ms Eason: My specific personal experience is with both Metro and the region of Peel. In that respect they're very similar in that those administrative expenses may not be charged back. It does appear to be contrary to full-cost-recovery principles and service contract principles. In the case of Metro there is a citizen committee, the sinking fund committee, of four members, and there are support services provided by Metro for which in the past the cities, the borough and the school boards have benefited. It would be a simple matter of prorating those costs according to the participation in debenture issues.

Mr Gilchrist: Thank you. Like Scott, I would have to defer to someone far more expert than me in seeking counsel whether this is something that would be extraordinary or whether these powers exist for other municipalities. Again, I appreciate your raising them.

We've had a chance to digest your other presentation as well. I know staff have been able to deal with a number, but they will certainly deal with them all by the time the deadline comes for filing amendments.

I appreciate the fact that while not all the municipalities affected took the time to do this, yours did. We very much value your specific input and your experience in all this. Thank you very much for coming before us.

The Chair: Thank you very much Councillor Cavalier, and Ms Eason and Mr Horsley and Mr Abrams. Your presentation has been appreciated.

FLOYD HONEY

The Chair: We're a little bit ahead of time. Is Floyd Massey here? Sorry, I see I have the wrong name here. Your name is Mr Honey. I apologize. The copy I have had "Mr Massey." Welcome to the committee, sir.

Mr Floyd Honey: Thank you very much for the correction. I was sitting back there wondering how I got to be Floyd Massey.

Mr Gilchrist: The powers of the Legislature are truly awesome.

Mr Honey: It suddenly occurred to me that I live at 1 Massey Square. I guess I was named after my address. I want to assure you that Massey Square was not named after me.

The Chair: I thank you for coming, and I apologize again for our error. You have 10 minutes in which to make your presentation.

Mr Honey: I want to thank the members of the committee for the opportunity to make this presentation. I am a retired minister of the United Church of Canada. Most of my career was spent in administrative posts in national and international church, interchurch and interfaith organizations. I have had no direct experience in government, though on a much smaller scale I served for seven years as president of the largest condominium corporation in Canada. As a Christian minister, however, I have a profound concern about human welfare, and this includes, of course, the welfare of people who live in cities. It is out of this concern that I come to address you.

I have lived for 13 years in the city of Toronto and for 29 years in the borough of East York. I thus have fairly deep roots in what is now Metro Toronto. It must have been by pure accident that I landed up in an afternoon where nearly everybody else comes from East York.

I find it difficult to speak about Bill 148 because I remain solidly opposed to its parent, Bill 103. It's going to make government much more remote. As a resident of East York, I have grown accustomed to the accessibility of the mayor and the council. It is very easy to pick up the telephone and talk with Mayor Prue. This will be much harder in the megacity. The so-called community councils, which we've been discussing here, with their limited mandates, will be no substitute for the elected councils in the existing cities, which have a much broader mandate and a more intimate acquaintance with the concerns of their communities.

The claim that amalgamation would save money was based on a flawed study which, even in its attempt to support this claim, was not able to cite actual evidence to back it up. All objective studies of amalgamation in other cities show that amalgamation increases costs rather than reducing them, and this altogether apart from the increased costs that will result from downloading, about which at the moment we have no solid accounting.

In adopting Bill 103, the government ignored the recommendations of the Golden commission and the Crombie task force, to whom it had turned for advice. It also ignored the advice of Jane Jacobs, an internationally recog-

nized expert on urban affairs. In her submission to the hearing on February 3, 1997, she said:

"I would judge that the city of Toronto is probably close to the limit at which true flexible responsiveness is feasible. Apparently, the Ontario government wants to amalgamate our city governments for the purpose of cutting out confusion and duplications, improving services and reducing waste. Good aims, but depend on it, in real life the side-effects of amalgamation would contradict those aims."

Most serious of all is the destruction of democracy represented by the passing of Bill 103 and many other actions of this government. In other municipalities where amalgamation was forced, the municipalities concerned at least had an opportunity to work out their own plan of amalgamation, though they knew there was a gun at their head if they did not do so. In Toronto we did not even have this privilege. In a draconian action, the like of which this province has never seen, we have been told, "You are going to amalgamate, and this is the way it is going to be done whether you like it or not." This in the face of a referendum which showed clearly that we didn't want it.

Now the unelected transition team, likewise imposed upon us and not subject to legal challenge, is proceeding to dictate administrative decisions which should belong to the new council, and is even trying to impose a 15% budget reduction, regardless of the cuts to vital services which this will entail.

1700

His Honour Mr Justice Borins, in his judgement on the recent legal challenge to Bill 103, had this to say, "Counsel for the respondents submitted that there had been, over the years, adequate public consultation in respect to the mode of governance of Metro Toronto." There's a lacunae here where he cited some of those efforts at consultation. He went on: "As well, there is considerable force in the applicants' position that although the Ontario Legislature standing committee on general government conducted hearings on Bill 103 after it had received second reading, they were too little, too late, as the government had long since indicated its determination to proceed with the legislation.... The evidence supports the conclusion that Bill 103 simply appeared on the government's legislative agenda with little, or no, public notice and without any attempt to enter into any meaningful consultation with those people who would be most affected by it — the more than two million inhabitants of Metro Toronto."

So we come to Bill 148, which again comes to us after second reading, with exactly two days of hearings, the first hour of which was allocated to the minister responsible for the bill and the second to the transition team. My text says that exactly eight spaces have been allocated to representatives of the general public. That was my understanding when I wrote this. As it turns out, there have been some additional spaces allocated, I believe, because of some cancellations.

Those of us who are opposed to Bill 103 are concerned to see that as much power and responsibility as possible

remain within the regions now represented by the cities. Bill 148 simply continues the process of centralization begun in the original megacity bill. We might call it the "ultra-amalgamation bill." We find that there will be one library board, one historical board, one parking authority and one board of health. Could these agencies not remain in place until the new council, if there has to be one megacouncil, has a chance to review the situation and decide, in its own wisdom, what is the best arrangement for these various functions? Does the government think that the people of Toronto have no intelligence at all and you must therefore spoon-feed us like babies because we can't be trusted to do the right thing? Maybe you should abolish the council altogether and simply let the province run all our affairs.

It is being rumoured that some members of the Tory caucus are feeling nervous because they sense that many of their constituents feel they are moving too fast. I urge you to recommend to the government to slow down, think again, make a serious effort to obtain citizen input. I urge that you do this not simply out of self-serving political considerations but as a matter of conscience. Most politicians, I imagine, are concerned about the legacy they leave when their term of office ends. I am afraid that the legacy of the Common Sense Revolution will be the destruction of a city that is the envy of many, and the destruction of democracy in Ontario. Thank you.

The Chair: Thank you, Mr Honey, for your presentation.

RUTH COHEN

The Chair: The next presenter is Ruth Cohen. Welcome, Ms Cohen.

Ms Ruth Cohen: My name is Ruth Cohen. I am a retired high school English teacher, and I've entitled my presentation *The Sheer Heaviness of Being in Ontario in These Woeful Times*. According to my horoscope today, I am supposed to be charming, diplomatic and talented — some people would question that, I imagine — but even if that were true, having failed to move you before, I doubt if I will get you to see the light this time round. Having watched you all seated in the Legislature, looking very contented with the astounding legislation you have put into place, I am wondering if it is possible to be either charming or diplomatic when discussing Bill 148. I fear it would take a lot more talent than I possess to get across to you the dire consequences of the legislation you've put into place. I doubt if Jove himself would be able to move you.

I am glad of this opportunity, however, to speak to you again as I did once before on Bill 103. Even if your eye-lids are very heavy by now and you're looking forward to running home to have your glass of wine and your cigar while you gleefully survey your conquest of Ontario, at least another "piece de resistance," or "piece of resistance," will go into the record.

The fact is, I have been hit with too many horrors on a daily basis, the latest one striking very close to home. I am a retired school teacher and know how ludicrous the latest

edicts affecting our educational system are, but I will let my colleagues outside fill you in on that one. I am here specifically to comment on your Bill 148, popularly known as the son of Bill 103. As such, it bears the earmarks of the restructuring frenzy we have been through with Bill 103, only this time we have a melange of prescriptions on the minutiae of how the restructuring is to proceed.

I am especially concerned about the prescriptions in Bill 148 curtailing more of our rights and turning the democratic process we once knew into a sick joke. You are trying to impose a command economy on us equal to anything Joe Stalin had to offer. When I look at the provisions of Bill 148 for the disposition of the assets and reserve funds of the library board, the historical board, the parking authority, the board of health, the TTC, some of them with huge reserves, like the parking authority with its \$150-million reserve fund, I am amazed at the sheer effrontery of this government in stripping away powers and assets of all our municipal institutions. And for what? To make good on the famous tax cut, of course. Plus the additional benefit — question mark — of setting up everything that moves for privatization.

There are already many examples from around the globe of places where these very prescriptions you are forcing upon us were put to the test and failed miserably. A prime example is New Zealand. New Zealand, once a tiny, perfect island, was hit with your kind of restructuring program in 1984. Before 1984, it had the third-highest standard of living in the world. It had the lowest unemployment in the industrial world. There was almost no violent crime. Personal security was taken for granted. Foreign debt was \$20 billion, and total public debt was \$11 billion.

After amalgamations and privatizations had taken place in 1984 — an interesting year — the standard of living went down to 22nd place; unemployment doubled and kept rising; 26% of the nation's children lived in poverty; teenagers committed suicide at a higher rate than ever before. I have appended the article I read which contains the information on New Zealand. It is called *If Pigs Could Fly: The Hard Truth About the "Economic Miracle" that Ruined New Zealand*.

The people will not forever allow themselves to be trifled with in this high-handed manner. At some point, they cannot allow your restructuring and privatization to continue.

How can you remain so blissfully ignorant of the fact that your weird restructuring experiment is bound to fail? How many mice's tails do you have to cut off before you realize that the experiment is not going to fly, that cutting off their tails is not the way to get a generation of tailless mice?

Personally, I was very pleased at the response you were getting from some people in responsible positions faced with impossible edicts being laid before them by the transition team. I was especially impressed with the response of the chief administrative officer of North York, who had received a letter from Jack Pickard advising that North

York was not to spend its own reserve funds because they were needed for the megacity. Her reply was most colourful and succinct. I believe she said she had carefully filed the letter and commented, "He can stick it in his ear." Most impressive.

There have been other examples of people on Toronto city council who have been given impossible demands re budgets and 15% cuts and what not who have also refused to comply. There should be a lot more of this kind of response. To respond to your provocations with an absolute refusal to comply is not civil disobedience; it is our civic duty as a free people to rid ourselves of what has become the bane of our existence.

You may think the Constitution makes us your creatures, but we're not. All your outlandish attempts to carve us up will be eventually be dismantled. After you are gone, we will have our citizen assemblies, which will meet to forestall any repetition ever again of the outrageous abuse of power we have been subjected to since you took office.

All this confusion and mayhem stems from your mistaken identification of municipalities as corporations in the business sense of the term. But the people of Toronto do not live in corporations. They live in neighbourhoods and communities. They will, I am certain, at the earliest opportunity dismantle this entire house of cards you want us to live in and restore democracy to our beleaguered city. Your resignation as a government would be most helpful in this regard. I strongly urge you to consider that option and call an election now. Thank you.

The Chair: Thank you, Ms Cohen, for your presentation.

Members of the committee, I have two other delegations scheduled to appear. One is Shirley Russ and the other is Simon Richards. Not here? Then I'm going to call recess for about 10 minutes. We'll return in 10 minutes, at 5:25.

The committee recessed from 1713 to 1726.

SIMON RICHARDS

The Chair: Ladies and gentlemen, we have two more presenters. I understand that Shirley Russ is not yet here. Mr Simon Richards, who wasn't able to appear this morning, is here. We're glad you came back, Mr Richards. You have 10 minutes to make your presentation.

Mr Simon Richards: Thank you, and thank you to the clerk's office for calling me at work. I would also like to thank the mayors of the six cities for just saying no. I am delighted to once again be a member of the cast in your ongoing farce of public hearings. I feel like an understudy who gets to go on when the main actor won't. I consider these hearings a farce because I know you aren't listening. I know you are not listening because you don't want to hear me or any other member of the public. If you did, you would have invited me to speak, along with all the others who requested to be heard. As it is, if it wasn't for the mayors in their official capacity refusing to dignify this low comedy with their presence, I never would have had

the chance. So I am delighted that you have been forced to hear from me. I shall endeavour to be as quick as possible, because I have glue setting.

I'd like to begin with a brief review. The passage of an omnibus bill taking power from the many and concentrating it in the hands of the few to enable the government to carry out its policies; the elimination of local councils; the dismantling of the welfare state, coupled with the conscription of a cheap and mobile labour force; the quashing of unions through forced arbitration before government-appointed trustees, and the forced amalgamation of previously autonomous unions; the dismantling of the education system and its replacement with a new, improved version under the direct authority of the government — these paternalistic, legislative acts are part of a policy of imposed order.

History has, however, shown us that the imposition of order is destructive, because that order derives only from the few. Imposed order is never democratic. Therefore, it does not have the support of the majority. The seeds of chaos lie close to the surface of imposed order.

A case in point is the aforementioned pieces of legislation. They were foisted on the public between 1933 and 1937 in Germany. They are being foisted on the public of Ontario in 1997. The legislative similarities are not confined to the examples I mentioned, although I do know of a major difference: Hitler never cancelled photo-radar.

When I spoke to Bill 103, I reminded you that many of your parents and grandparents fought in a war to preserve democracy. A few short months later, you have become the very people your parents fought against. Congratulations. Now, one of your collaborators who works at one of the dailies dismisses the comparison between you, the Ontario Tories, and Hitler's National Socialists. He feels it diminishes the horrors of the Holocaust. I would like to point out that the Holocaust was their grossest perversion, but it was not their only perversion. To be blind to all the other perversions and abuses in order to honour those who died in the greater is ultimately appeasement, ergo, collaboration.

History has also shown that there are always those who will not collaborate, who will submit to these perversions and abuses, who will fight to the end. This room today was full of such people. They, we, the people, will win, because that is historical fact as well. In light of this fact, I urge you to stop your revolution now and save everyone a lot of time and trouble. I assure you, we will defeat you and your agenda and we will unravel your asinine legislative acts.

To look into the near future, I understand that you are considering that after the November 10 election and prior to January 1, when the new council picks up the few reins allowed them, you will allow the old council to deal with zoning and development. That's an interesting idea — not. Along with your response to the March 3 referenda, it helps me to clarify your concept of democracy, to wit, government by diselected officials, not put in place by non-voters.

Here's another clarification for you: When those people democratically elected to positions of authority no longer listen to the people who elected them, when they no longer seek the guidance of the people who elected them, when they resort to skulduggery and obfuscation to silence the people who elected them, then there is no longer democracy. There is dictatorship.

In closing, the majority of the people of the six cities do not want your amalgamation. We do not want your Bill 103. We do not want your Bill 148 etc. Thank you.

The Chair: Thank you.

SHIRLEY RUSS

The Chair: The next presenter is Shirley Russ. You have the honour of having the last word today, Ms Russ. Thank you for coming.

Ms Shirley Russ: I would like to thank you for the opportunity to address you even though I'm not a mayor. An amalgamated city reduces my chances by one in six of ever being one. I am honoured to be only one of some 20 members of the public to have this opportunity. I'm also, truthfully, quite humbled by representing so many of my fellow citizens.

I truly appreciate the work you do as members of the provincial Parliament, in thinking about Ontario and trying to do the best for the people you represent. I'm aware that your committee has been listening for six hours, that it's been a long day and that you're probably tired and hungry and ready for dinner. From the work I do, I know that the simple act of yawning can provide a welcome release from fatigue and make it easier to listen. So feel free to yawn while I speak, and I'll be neither offended nor shall I assume that I'm being boring. Instead, I'm actually going to hold out the hope for you that our 10 minutes together may be truly interesting, possibly memorable, and that they could make a difference.

I come here keenly aware that while our focus is Bill 148 and Metropolitan Toronto, I am speaking to a committee of the provincial government rather than a municipal committee. I wonder whether you would just indulge me with a show of hands for those of you who actually reside in Metro Toronto. It would help me as a speaker to have a sense of — okay. That gives me a sense of the proportion over here.

Metropolitan Toronto is a complex network of citizens and services, hospitals and housing, parks and pools, and it works. It works so well that by international standards it's considered to be one of the best places in the world to live.

Its population has both a high density and a great diversity that produce huge needs. The density requires a vast grid of public transportation not only for its residents but also for workers who commute and visitors who come from many parts of the world. The density also demands affordable housing, health care, libraries, recreation facilities. You can't just go for a walk in the countryside when you live here. The diversity means there are many single and separated parents and are many young people.

It means there are many people for whom English is a difficult language and that finding jobs and feeding families is a very big challenge. So all the English-as-a-second-language courses, the accessible libraries and the low-cost housing are crucial to the city's wellbeing.

I urge you not to siphon off any of the reserve funds and the moneys of the parking authority or the historical board in order to reduce taxes or fill other needed places. Please leave them for the enormous needs of this complex city.

Since the density and diversity extends to its historical sites, the unique nature of the Toronto Historical Board seems to deserve a special mention. The board has done an excellent job of preserving and promoting our history, and it needs to keep all the funds it has accumulated to do its task, for the history that resides in Toronto is not just the history of Toronto; it's the history of Ontario and of Canada. Therefore, the funds are needed to preserve that history and keep it accessible to all of Ontario and all the visitors from within and without that come to learn about Canada.

I request that you look closely at section 95 of the bill, which allows for variable services and variable mill rates. Section 97, with its transitional tax levy, would allow, just as an example, that a tax could be levied on East York if snowplowing services were provided for their services, and the same tax would not be on the other sections. Sections 95 and 97 have the potential to create unevenness and unfairness, especially since the megacity council will operate without the local democratic inputs that the current councils have. I know this government does not want to create a system that works less well than our current six councils do.

Similarly, it's important that you determine more equitable representation for East York. East York is slated to have one councillor for approximately 54,000 residents, compared to the one for every 37,000 residents in the other areas. Since fair representation is a cornerstone of democracy, I'm sure you will add the necessary amendment to Bill 148.

I want to speak to the implementation that Bill 148 addresses and to caution against any speed or haste. While we can amalgamate in urban area overnight by legislation, we don't actually change that area. We still have the same number of people and the same diverse needs for health, for housing, for libraries. If I were to put it another way, you can change the government of a city overnight, but you can't change the city in that time. The process of changing from six councils to one needs to be painstaking and thorough. It needs to build on our knowledge of what has worked, it needs to build on the wisdom of working people, and it needs careful consultations with those who provide and those who use the services of the city.

I would like to quote someone who is absolutely crystal clear on that point. Please favour me with listening carefully both to the quote and to the author. "The most consistent message we have heard throughout our public outreach was that the transition and implementation process must respect local democracy and the role of

representative governments. Again, we agree. We want to work with the people of Metro Toronto and with local municipal offices on ways of ensuring a democratic and accountable process." The writer is none other than Mr Steve Gilchrist, in a letter to me dated March 19, 1997.

In conclusion, I'd like to hold out for you that whether you do or don't currently live in Metropolitan Toronto, at some time in your long life, you may have a daughter or a nephew or a friend or a colleague who does. They may need work or housing or social assistance or want to learn from a library or a place of history. At that point in time you will be personally pleased that you thought carefully and well about the future of this city.

I trust that you care deeply about the people of Toronto, including all those who live in the vast metropolis that is Toronto. Thank you very much for your attention.

The Chair: Thank you. Your presentation has been most refreshing. We thank you for coming this afternoon.

Ladies and gentlemen, that concludes the presentations today. I remind you that next week, on Thursday, October 2, is the clause-by-clause debate. I remind members of the committee that the amendments that you wish to be submitted should be filed with the clerk by 12 noon on or before October 1.

If there are no questions, I adjourn this committee until Thursday, October 2, at 10 am in this committee room.

The committee adjourned at 1742.

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Ms Frances Lankin (Beaches-Woodbine ND)

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Official Report of Debates (Hansard)

Thursday 2 October 1997

Journal des débats (Hansard)

Jeudi 2 octobre 1997

Standing committee on general government

City of Toronto Act,
1997 (No. 2)

Comité permanent des affaires gouvernementales

Loi de 1997 sur la cité
de Toronto (N^o 2)

Chair: David Tilson
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 2 October 1997

Jeudi 2 octobre 1997

The committee met at 1006 in committee room 1.

CITY OF TORONTO ACT, 1997 (No. 2)

LOI DE 1997 SUR LA CITÉ
DE TORONTO (N° 2)

Consideration of Bill 148, An Act to deal with matters relating to the establishment of the new City of Toronto /
Projet de loi 148, Loi traitant de questions se rapportant à la constitution de la nouvelle cité de Toronto.

The Chair (Mr David Tilson): Ladies and gentlemen, this is the standing committee on general government and we are reviewing Bill 148 in these clause-by-clause discussions. I assume all members of the committee have the package of amendments before you.

Ms Frances Lankin (Beaches-Woodbine): Mr Chair, I just want to indicate, in the hope that the government is going to be supportive of the transition amendment for the third councillor for East York which comes up under section 118, that I will withdraw at this time the permanent amendments which are 1 and 2.

The Chair: Are you making that conditional or are you withdrawing them?

Ms Lankin: I'd love to; I'd surely love to.

Ms Marilyn Churley (Riverdale): Let's take a vote on it.

Mr Tony Silipo (Dovercourt): We don't work that way.

Mr Steve Gilchrist (Scarborough East): Only the Liberals.

Ms Lankin: We surely are hoping for Mr Gilchrist's support on this.

The Chair: I accept that, Mr Silipo.

Ladies and gentlemen, we'll proceed. First is section 1. Is there any debate or discussion of section 1? Seeing none, shall section 1 carry? Carried.

I assume you have the same package as I do and that your pages are numbered. If not, please tell me.

Is there any debate or discussion on section 2? Shall section 2 carry? Section 2 carries.

Mr Silipo: I move that the bill be amended by adding the following section:

"Transition team's proposed budget

"2.1 The proposed operating and capital budget for 1998 that the transition team is required to prepare and submit under clause 18(4)(f) of the City of Toronto Act,

1997 shall provide for a level of services, in each old area municipality, that is not inferior to the level of services available there in 1997."

I'd be happy to speak to this. We believe this is a very important amendment. As you know, we haven't placed a lot of amendments to this bill, in part because essentially we think there are a couple of things that can be fixed and should be fixed, certainly the issue of the representation in East York, which my colleague will speak to in detail when we get to them, and a couple of other matters, but this is one of those things we think can and should be added to this bill.

That would be to make clear what the government has been saying, what the government has been claiming, that as we move from the six municipalities into one municipality, there should not be any reason for any reduction in services. We believe that's not going to happen. We believe that everything we have seen indicates that there will be reductions in services. That view is sustained by the fact that the transition team itself has, as you know, asked each of the departments and each of the different service areas to budget for a 15% reduction. They may have explained that as a contingency. It's one of the areas I was seeking to ask some questions on, but as you know, they didn't come back so we could do that.

I want to be on the record as finding it particularly offensive that they could not find time to spend the additional half-hour they originally said they would do with us. I think it's a real offence, certainly not to me personally but to this committee and to the Legislative Assembly, when a body that's appointed by the government of the day sees fit to ignore the legislative process and sees that they have no responsibility towards a legislative body that is looking into exactly the matters they are seized with.

This amendment is an attempt to put in the law what the government has been saying, that there will be no reduction in services. We have another amendment later on, but one of the ways to do that is to ask to ensure that the proposed operating and capital budgets for the year 1998 that the transition team would be preparing and submitting to the new city council would provide for a level of service that is the same as the level of service provided in each municipality in 1997.

We're saying if the government is true to its word, that the level of service will not decrease, then let's see that right in the recommendations, in the directions the transition team is given, to work out a budget proposal

that will ensure that the same services are available. Then let's see the government live up to its word to make up any shortfall.

That's what the Premier has been saying; that's what the minister has been saying. I don't believe they're going to do that, but here's the opportunity for the members of the government to show that the minister's word means something. Here's a great opportunity for you to say to the people of Metropolitan Toronto that this is not about reducing services, that this is not about cutting back on the many good services the area municipalities now provide.

The words you can speak, the words I can speak and the words the minister or Premier can speak at the end of the day don't mean a lot. What does mean something is what is actually in the laws and regulations of the province. This is an opportunity for you to put into the law that promise or that commitment you've made. I look forward to the government members supporting what their Premier and their minister have been saying will be the case.

Mr Gilchrist: The reason I'll be voting against this motion is that it's redundant. Clause 18(4)(f) of Bill 103 already speaks to stability in property tax rates and service delivery levels. You'll recall, Mr Silipo, that those undertakings were in connection to Bill 103, and Bill 148 basically added on to that bill a number of technical areas. I don't think it's necessary to restate the concept in this bill.

More than that, I think it's quite presumptuous that at the same time that your party was very outspoken about the mere existence of Bill 103 and saw this as interfering with the municipal council, you now suggest that their hands be tied absolutely and that the new council shouldn't have the ability to make the decisions that affect the people of the city.

We think it's totally appropriate for the new council to be responsible, at the end of the day, for the budget they vote on and the services they deliver to the people of Toronto. While the transition team will certainly be making recommendations, you're well aware, I'm sure, that they are just recommendations, that they're not edicts. It will be the new council that makes all the spending and tax-raising decisions. We think it's appropriate to leave it that way.

Mr Silipo: On a point of order, Mr Chair: Could I just clarify for Mr Gilchrist that this motion, this amendment, does not deal with the powers of the new council. It doesn't limit the powers of the new council. It deals with what the transition team is supposed to do. Everything Mr Gilchrist has said is true in so far as the new council should have those powers; I agree with that. This says that the work the transition team is doing should be done on the basis of its preparing and submitting a budget that indicates to the new council how they would maintain the same level of services in 1998 that exist in 1997. The new council could ignore, if they wish, those recommendations, as they could ignore any of the recommendations under section 18, as Mr Gilchrist has pointed out.

This amendment is not about what the new council should do or shouldn't do. I believe, obviously, that they

should maintain the same level of service, but that's not what the amendment talks about. The amendment talks about the transition team. If Mr Gilchrist is going to oppose it, fair enough, but I would suggest, in fairness, not for the reasons he's given, because this does not tie one iota the hands of the new council. This directs the work of the transition team. That's what section 18 does in the City of Toronto Act and that's what we're amending.

Mr Gilchrist: Perhaps Mr Silipo didn't hear the first reference I made in my response. Let me quote precisely from Bill 103, clause 18(4)(f): "The transition team shall prepare and submit to the new council for its consideration a proposed operating and capital budget for 1998 that provides for property tax stability" — I would submit to you that means staying the same — "and continuity of service delivery." I would submit to you that means continuing to deliver.

I think it already achieves the goal you're proposing in this motion and there's no reason for a redundant second expression of those goals.

Ms Lankin: Just to seek some clarification from the parliamentary assistant, then, your interpretation of what exists in section 18 of the City of Toronto Act actually provides for the same level of service to be continued? That's your interpretation? You believe that the transition team is bound by that and that the budget it brings forward to the new city council must provide for the same level of services being continued in each of the old municipalities?

Mr Gilchrist: The guidelines set out for the transition team are that this is the goal they should strive for, absolutely, and that's the goal presumably the council will strive for.

In every year that council has sat, they've either raised taxes or changed service delivery. I think to suggest that an absolute 100% static situation year after year is achievable is totally unrealistic. However, if the goal is to maintain the existing tax rates, if the goal is to maintain in the case of North York its twice-a-week garbage pickup, we said back then and we believe now, and I'm sure the transition team will be taking these things all into consideration, it's totally achievable. In that context those are the guidelines that were set out for them.

Ms Lankin: If I may, I don't see how your argument and interpretation of the existing clause 18 is consistent with asking for a 15% reduction in the various budgets. In one way or the other you want tax stability, a 15% reduction and maintenance of service levels. I think that the clarification in the motion that has been put forward by Mr Silipo is very important in suggesting that this level of service not be inferior to the level of service that existed prior to the reorganization of the city of Toronto.

If you're saying that's the intent of clause 18(4)(f) in the existing act, this makes it much more explicit. I would like to know for sure if that's what you're suggesting, because it seems to me that would be important for those who will be watching, monitoring and critiquing the work of the transition committee and the proposed budget it brings forward. Presumably, if the budget recommendations they bring forward do not maintain service levels in

each of the old municipalities, there would be an argument that they haven't complied with the existing law as you have interpreted it to us today.

I'd just like some clarity from you, because if that's what it means and that's what the directions are and they're bound by that, then this amendment would not be necessary. But if there is the doubt that in your second ground you seem to be expressing, then I think this kind of amendment gives the clarity the residents would seek in this period of transition.

1020

Mr Gilchrist: I would simply say that they were established with certain guidelines, goals and objectives. They are, I'm sure, working very hard to deliver on their commitment to bring forward a report to the council in a timely fashion. It's my understanding that we're only days away from that.

At the end of the day it will be up to the council to make the decisions. It's not a question of whether the transition team has failed or succeeded. The bottom line is whether the newly elected councillors agree with what the transition team has brought forward. If in the course of producing that draft budget they have challenged the current city staff to find new savings, presumably they can be found through administrative reductions, ending duplication and waste.

It absolutely does not follow that if you want to save money in, say, parks and rec, it has to come from fewer people mowing lawns or fewer people maintaining the gardens. It could very well be from fewer people at the top. That has no impact on service delivery and it obviously has a mitigating effect on taxation.

Those are the guidelines. I just think that what was set out in Bill 103 is quite adequate, given that at the end of the day it's the local council that will be making all the decisions.

Ms Churley: It's my understanding — correct me if I'm wrong on this — that the transition team has some guidelines. They are certainly not accountable to anybody. That became clear when they refused to come back to this committee. I think that's partly one of the problems here: They are not accountable.

On the other hand, since they have been assigned by your government, Mr Gilchrist, to come up with recommendations, don't you think it's important that the recommendations they give to the new council — in a way you're almost saying you don't need this transition team, that the new councillors can do whatever they want. There seems to be a bit of a funny contradiction here. The transition team doesn't seem to be accountable to anybody.

But let's suppose that part of their role is to try to have some kind of influence on the new council, because that's all they can do since the councillors aren't bound by anything they recommend. Don't you think that therefore, hopefully, if they have some good recommendations for the new council, it would be important to reinforce their role within this bill, having had some time to study the transition? God knows the new council will be thrust in there trying, for the first time ever in Canada, to deal with

such a huge municipality that one would presume they are going to pay some attention to the recommendations that come from the transition team even if they don't have to.

Don't you think it would make sense in that context to reinforce within this bill — given that you said that within another section of the bill the new council has to uphold this — that it would be useful for the new council to really clarify and have the transition team recommend this to them? It just seems to me to make sense. They're going to be looking for the best advice they can get, I would assume, from this transition team, which has had a lot more time to study the implications of all this huge, gigantic amalgamation, don't you think?

Mr Gilchrist: No, I don't.

Mr Silipo: I have to say, as frustrating as it is, that Mr Gilchrist continues to reaffirm for me why it's important for those of us in the opposition to actually stay here in the room as opposed to taking the attitude the Liberals have taken: to take their marbles and go home when they don't like the game plan and when they don't like the rules.

I continue to be amazed at the kind of rationale Mr Gilchrist, on behalf of the minister and the government, puts forward on this. He says the present legislation, clause 18(4)(f) of the City of Toronto Act — I'm staring right at it and I know Mr Gilchrist has already quoted from it. It says: "The transition team shall prepare and submit to the new council for its consideration a proposed operating and capital budget for 1998 that provides for property tax stability and continuity of service delivery."

Mr Gilchrist is saying that is more than sufficient to ensure there will be a budget proposed to the new council that involves the reduction of service. If the actions of the transition team to date had been consistent with that, I wouldn't be putting this amendment. If they had come back in front of the committee and answered the questions I would have put to them directly on this issue, and if they had satisfied me through those answers that they had now changed their minds from what I've seen them do so far, then I wouldn't be putting this amendment. But what I've seen them do so far involves asking each department to budget for a 15% cut, and they themselves have indicated that involves more than administrative restructuring; it's going to mean cuts in services.

How can Mr Gilchrist, on behalf of the government, continue to say that the present legislation is clear and tells the transition team what they have to do? I would have to ask him, then, what is the government prepared to do if the transition team persists in what they seem to be doing and sets up its recommendations on the basis of a 15% cut? Would Mr Gilchrist then say they are in violation of the obligation they have under subsection 18(4)? That's what you seem to be saying. If that's the case, what are you going to do about it?

Mr Gilchrist: Have you finished?

Mr Silipo: Yes.

Mr Gilchrist: I would submit to you that it would be no different a test from trying to interrupt your motion where you use words such as "that is not inferior." If I

make a change, who is the judge of whether it's inferior or better?

For example, if the services in a particular department are coordinated out of one city hall now, is that inferior service to someone? How do you measure it? What are the yardsticks in here? The bottom line is, your wording is no more and no less precise than what's in Bill 103. The bottom line is, again, the transition team had those guidelines established. At the end of the day, they are responsible for their work.

Mr Silipo: I think, first of all, there is a clear difference between saying "not inferior" — there's a big difference between whether they make a recommendation that says, "Services should be coordinated out of one city hall," as opposed to saying, "Take a 15% cut" of whatever area that might be of service delivery. There's a big difference there. If you don't see it, then we are obviously more than miles apart on this.

If the words "not inferior" are causing you problems, with unanimous consent we can come to an agreement on words that are more acceptable.

The point is that I'm interested in ensuring that this bill sets out very clearly, as clearly as can possibly be done in law, the obligation upon the transition team not to recommend significant cuts or any cuts in service delivery. You're saying you agree that they should not be recommending cuts in services and that 18(4) already does that.

I'm asking you to convince me by telling me what you and your government are prepared to do if the transition team persists in what seems to have been its attitude to date, which is to recommend budgets that would involve cuts in services. Are you prepared to step in and tell them, "That's not consistent with your direction; that's not consistent with your obligations"?

Mr Gilchrist: What we'd be prepared to do is have the council make the final decisions. It's not up to the province, Mr Silipo.

Mr Silipo: It is up to the province.

Mr Gilchrist: No more than the fact that your research department gets a budget of \$3 million, more than the transition team, and at the end of the day you have rules on how they can and can't spend those dollars, but you're the final arbiter, not the Legislature, not the government.

Mr Silipo: But that's my point.

Mr Gilchrist: So there are any number of agencies —

Mr Silipo: That's my point.

The Chair: Mr Silipo, I've been allowing a fair bit of leeway here but we now have a list. Ms Lankin, please.

Ms Lankin: I would like to ask the parliamentary assistant, if the transition team comes forward with a recommended budget that proposes a 2.5% property tax increase, how would the government respond to that? Is that within the vagaries of what property tax stability may be or not? How do you define that, and what action would you take if they actually propose a property tax increase?

Mr Gilchrist: Presumably, hand in hand with that they're proposing an increase in services, so we would do nothing. It would be up to the new council to decide

whether, in exchange for those increased services, they wanted increased taxes.

Ms Lankin: I think that presumption is a bit bizarre.

Mr Gilchrist: I hear that property taxes will increase.

Ms Lankin: No, I'm not —

Mr Gilchrist: What do we do if taxes decrease, then, Ms Lankin?

1030

Ms Lankin: Mr Gilchrist, let me put my question to you again and try and perhaps be clearer. Outside of anything to do with service levels, because we could debate whether or not service levels are even possible to be maintained at a constant tax rate at this point in time with downloading added — that's another debate — I simply want to know, in terms of the interpretation of subsection 18(4) as you have so far put it out, where it says the transition team must provide a budget with recommendations that provides property tax stability, what does that mean? And if they propose an increase, what does the government do about that? What actions do you take with respect to the transition team if they, in your opinion, do not abide by the guidelines that have been provided to them in statute?

Mr Gilchrist: I repeat myself, it's up to the council to respond to whatever the transition team brings forward. They are recommendations only. They are not bound by anything. The new council is not bound.

Ms Lankin: So the transition team is not bound by the statute, the laws, the clauses of the City of Toronto Act as passed by the Legislature of Ontario?

Mr Gilchrist: That wasn't the question you asked. Of course they're bound by the act.

Ms Lankin: Okay, if they behave in a way that is not consistent with the provisions of the act which bind them, what steps does the provincial government take?

Mr Gilchrist: We're going over the same ground here. Ms Lankin, I'm not going to get into hypothetical situations. They know the guidelines. Presumably they will operate to that. At the end of the day it's the new council, not the provincial government, that will respond to the recommendations — not edicts; recommendations. Nothing the transition team does binds anyone else. So on the assumption that the responses they get back from the various staff who have been charged with the task of preparing the details that will then go into their budget are sufficient for them to produce the budget from the guidelines that have been laid out for them, then I have no doubt we're going to see a satisfactory report.

Even further beyond that, it's up to the new council to decide whether they embrace all, part or none of the recommendations made by the transition team. That's what 18(4) says in Bill 103 and that's the bottom line on the subject as far as I'm concerned.

Ms Lankin: Just a final comment on that. I have to say that I find your position strange in the extreme, Mr Gilchrist, because there has been a statute passed by the Legislative Assembly of Ontario. There are clear directions that have been provided to the transition team. I think part of what we're trying to get at here is what those

provisions mean, what the interpretation is, what the restrictions on the activities of the transition team are.

It seems to me, if the provincial government felt the transition team was not abiding by, for example, the recommendation that the direction the budget must come in providing tax stability, it would be bound to take response. It would be a violation of a statute passed by the majority of this Legislature. I guess all I'm trying to get at is an understanding that if that is a direction they are bound by, then your interpretation of the continuity of service levels, meaning that there would not be inferior service levels in the municipalities, is a direction they would be bound by. I am simply trying to get that clarified on the record so that if in the future the transition team's budget recommendations do not provide for that continuity of service levels or do not provide for tax stability — let's go on either side of this — we have recourse to come back through to the provincial government, asking that they take action to correct the situation.

The Chair: Further debate? No. Shall the motion carry? All those in favour of the motion? All those opposed? The motion fails.

The next amendment is on page 4. However, before we do that, I will ask whether there is any debate on sections 3 through 19.

Shall sections 3 through 19 carry? Sections 3 through 19 carry.

There is a government motion on page 4 dealing with section 19.1.

Mr Gilchrist: I move that part II of the bill be amended by adding the following section:

"Waste and waste byproducts

"19.1. For the purposes of the power conferred on the city by section 208.2 of the Municipal Act, 'waste and waste byproducts' in clause 208.3(1)(c) of that act shall be deemed to include domestic and industrial sewage."

An exciting amendment. This basically continues to state, or restores in the wording of this act, the authority that Metro Toronto has under the existing Metro act to engage in energy-from-waste programs using domestic or industrial sewage. The municipal act, under which the city will be able to engage in energy-from-waste recovery programs, does not refer to the use of domestic or industrial sewage, and Metro is concerned that the authority of the new city to engage in an ongoing project will be open to question if its authority is not explicitly moved from the Metro act into this act.

Ms Churley: I think I just missed the clarification, what you said about energy from waste vis-à-vis the amendment. I missed what you said about that.

Mr Gilchrist: Metro currently has the power to engage in those sorts of projects and they're just asking that that power be continued in this act.

Ms Churley: I see.

Mr Silipo: Just fixing a mistake.

Mr Gilchrist: No, I guess the suggestion was made by Metro that even though there's a reference to their ability to handle waste, it didn't break it down into domestic and industrial. That's why we're clarifying.

Ms Churley: I just want to clarify further, and again it may be that I don't understand, but I want to be very sure of what my colleague, who's the only one who can vote on this committee officially — before he supports it I want to be clear on something. Right now the city of Toronto, as you know, started by me in 1988, has a ban on garbage incineration within the city of Toronto bounds. What happens when the new megacity is created? I understand that all of the city's bylaws are thrown out.

Mr Gilchrist: No.

Ms Churley: Clarify that for me in terms of Toronto's historic position on energy from waste, or garbage incineration.

Mr Gilchrist: Ms Churley, every bylaw in the city of Toronto is continued, so if there is a prohibition that was put in place, it continues to be there. This would also include something like biomass, for example. It doesn't necessarily mean incineration. It could be a project, and it need not even be in the boundaries of Metro. If it's under the authority of Metro, the new city of Toronto, then again this could apply. In the leaf clipping program, if someone were to come up with a process through which leaf clippings could be used for energy recovery in some form through a biomass project, this would allow them to do it.

Ms Churley: So in other words —

Mr Gilchrist: In absolute terms it would not change the bylaw of the existing city of Toronto that would prohibit incineration.

Ms Churley: In other words, this just corrects a mistake, something that hadn't been dealt with. The powers already exist there and have been left out and this does not give or take away. It's just something they had and it was neglected to be part of the bill.

Mr Gilchrist: It just clarifies the existing situation as it applies to Metro, and they said they would appreciate just having the extra verbiage in there to make it very clear that they didn't lose the right to engage in those sorts of projects.

Ms Churley: I guess I can tell my colleague, who can vote here, that I suppose I can support this.

Mr Silipo: Chair, may I? I feel better now. We certainly know that on issues dealing with the environment, Ms Churley within our caucus is the overall resident expert, so I genuinely feel better supporting this one with her blessings. I did just want to underscore that I don't want to make a big deal out of this because we know there are mistakes from time to time. But I just think it's ironic that with all the work the government has done on this, even on something as straightforward as this, there is still in effect what amounts to something that was left out of the original drafting of the bill that has to be corrected by an amendment. Be that as it may, I think it seems to be a sensible one in the context of, if you're going to have these powers there, we had better clarify that they have all the powers we believe they should have, so that's fine.

The Chair: All those in favour of the motion? The motion carries.

The next amendment is on page 5. However, before we do that, is there any debate on sections 20 through 24?

Shall sections 20 through 24 carry? Those sections carry.

We are now on to page 5, which is an NDP motion. Mr Silipo.

1040

Mr Silipo: I move that subsection 25(6) of the bill be amended by striking out "two-thirds" and substituting "a simple majority."

This amendment deals with the appointment of members to the Toronto Transit Commission. The present clause in the bill says that the appointment of members to the commission requires a vote of at least two thirds of the members of the council present and voting.

First of all, I don't think this question came up in any of the hearings, from the people who spoke to it. I just want to ask a question of Mr Gilchrist as to why. I stand to be corrected if I'm wrong, but I believe that this is the only one of the bodies where the two-thirds majority is being applied in terms of appointing people, as opposed to just a simple majority. I wanted to understand from Mr Gilchrist what the government's rationale for that was.

Mr Gilchrist: Actually, it did come up in the hearings.

Mr Silipo: Yes, it did, that's right.

Mr Gilchrist: Mr Sewell made it part of his presentation, as did a couple of his supporters in their written briefs. That's quite ironic. I guess the rationale is very simple, Mr Silipo. We made it clear to the cities, as we've just talked about in the last amendment. The whole process behind Bill 148 was to move certain technical details from the existing legislation to the new City of Toronto Act unchanged.

In fact, it was quite ironic that Mr Sewell would sit here and suggest that it's very undemocratic, unfair and untoward for the act to talk about a two-thirds majority when that has been precisely the status quo since the TTC was set up in 1953 and during all the years that Mr Sewell was a councillor and a member of the Metro board. If he thought it was undemocratic, why didn't he change it back then?

The bottom line is, we're maintaining the status quo. This simply maintains the status quo, and it's totally inappropriate for us to be changing the membership in the various bylaws that cover the operation of the TTC. If the new council wants to change that, that's up to them to do, but this simply maintains something that has been there from day one.

The Chair: We were doing so well up until now. Mr Silipo?

Mr Silipo: Mr Gilchrist keeps doing it. I am thrilled at being here this morning to hear Mr Gilchrist defend the status quo. This will go heralded, I can tell you. I'm going to use this line in every single debate that I can for the next year and a half. Mr Gilchrist is here saying that he supports the status quo. I have to say I appreciate the clarification, Mr Gilchrist, genuinely I do. It doesn't change my mind on the need for this amendment.

If in fact it has been a two-thirds majority, I still don't understand. I didn't know it was, and I am prepared to say publicly that I didn't know it was a two-thirds majority. I

don't understand why it has to be a two-thirds majority. I don't know if there's any historical rationale anybody can give us. I just would be, first of all, curious in terms of why. I do believe it must be the only one, or are there other bodies that have to be appointed with this kind of a majority?

Do staff know anything about the history of this in terms of why two thirds versus a simple majority from the time it was put in place? I just find it odd that this should be the case. I feel very, very comfortable in my belief that in fact, just like any other body that's going to function as a commission or a body reporting to the council, this one should be appointed on a simple majority rather than a two-thirds majority.

I think there are problems that are created when you have to have a two-thirds majority. Again, I think it would be useful to know what the rationale is other than just maintaining the status quo. I think that's a fair point to say, "We're maintaining what exists," but I do think that here's an opportunity, and it's probably not going to come around for a while still, to look at changing this and making it consistent.

If people who have been active in this assumed that in fact this was a change, as obviously some of the presenters — and I thank Mr Gilchrist for reminding me of them — pointed out, then maybe it is the kind of thing the government should look at being prepared to change. I don't know, Mr Gilchrist, if your position on this is hard and fast or if there's some potential of us coming back to this perhaps later today. Is it worthwhile holding off on this, or is this just something you're hard and fast on, staying on this position of just maintaining the two thirds? I just don't see the sense of it.

Mr Gilchrist: I guess, Mr Silipo, a couple of observations: First off, it's possible that because it's a body corporate it really does operate as a quasi-business. There may have been some rationale to have a different standard back when it was first created; the sheer size of its budget may have been as well, that they wanted to ensure there was that much greater certainty when any significant decision was taken by its board.

More to the point, though, if your suggestion is, would we respond completely and in a timely fashion if the new council were to request by resolution from the council that that be changed, absolutely. I give you that undertaking right now.

Mr Silipo: But that's the only way?

Mr Gilchrist: You know full well they would be screaming just as loudly if we were to change that arbitrarily here this morning. They've had no input on it, and presumably the TTC and all of the councils that have served the people of Metro in all of its existence have looked at this and have decided it was appropriate to continue it. I don't think the eight or nine of us sitting here this morning should feel it's within our purview to rethink 44 years of history on that board.

But having said that, if you care to make those representations to the new councillors and it is their wish that

be changed, I will absolutely give you an undertaking that we will respond to that change favourably.

Mr Silipo: I appreciate that. I personally have no problems whatsoever, notwithstanding what even the entire new council might think. I think a two-thirds majority is nuts, and I am prepared to hold by my amendment. I do think it is very clearly within our purview to say that this is the way we believe it should be done. There are many other boards that obviously are on a comparable level, the police services boards and the others that people are appointed to; the composition is different, obviously.

But particularly going into this new council, I can see that there actually would be logistically some problems in getting agreement, having two thirds of the members agree to the appointment of people on this. It may be, given what's coming down the line, more contentious than it might have been in the past. But that's fine. I'll stick with the amendment, Chair.

The Chair: Further debate? Ms Churley?

Ms Churley: At the risk of having to hand some Prozac to Mr Gilchrist, because I'm going to mention Mr Sewell's name here — are you okay?

Mr Gilchrist: Oh, I'm fine.

Ms Churley: Some interesting arguments were made around this, and I'm not sure why they weren't taken into consideration. First of all, it's not clear to me from what you said that the city of Toronto or Metro has requested the status quo be kept here. I think we should hold off on this, because I think there could be some problems. We have a new makeup; we have a whole new situation. I'm not so sure that this is a status quo that was just kept in because it is the status quo or if actually Metro or the city of Toronto or whoever have really paid that much attention to it. Have you received any information from them on it? I don't think we know.

It's kind of silly, if it should be changed — if there have been representatives from Metro saying it should be changed, or they don't care; we just don't know — to leave it for the final council when it would make more sense perhaps if we could correct a situation. I think the two-thirds majority is nuts.

It would be interesting to know — how many years ago? Forty years ago or whenever that was put in place — why, because it is different from any other body. We don't know any of that. It seems to me this is an opportunity to not go with the status quo, to take a look at why that's there. I think it would make more sense at this time, from the depositions who were heard, from people who do know a lot about this issue, to actually change it now and not stick with the status quo. Unfortunately, it just seems to be stuck in there, and there has not been a lot of consideration or discussion around the deponents who came and gave some very good reasons why it's a problem. I would like to know what the city of Toronto and Metro in general think about this. I think it might be a good opportunity to correct it. Is there an opportunity to stand it down until we get some more information?

1050

Mr Gilchrist: Ms Churley, I can tell you that Metro gave us extraordinarily detailed comments about this bill, and they didn't mention one word about the TTC section, primarily because exactly the wording that is in the Municipality of Metropolitan Toronto Act has been taken out and put into this bill. There are no changes. So, again, if it strikes Mr Sewell as being inappropriate, it did not strike anybody who works for Metro or any politician at Metro or any politician in the city of Toronto or any of the other five Torontos as being worthy of mention. The TTC read it, and they did not believe it was appropriate to change. While you are certainly entitled to your opinions, obviously the bottom line is, again, it is extraordinarily inappropriate when dozens, maybe hundreds, of other relevant people, the people who are affected by this —

Ms Churley: Are you saying I'm not relevant here,³ that I'm irrelevant?

Mr Gilchrist: I said, "Other people, relevant."

Ms Churley: I represent a city of Toronto riding.

Mr Gilchrist: Listen carefully, Ms Churley. Listen carefully.

Ms Churley: Okay. Now it's on the record.

Mr Silipo: Some are more relevant than others.

Mr Gilchrist: I said when hundreds of other people who are relevant in this process —

Ms Churley: A nice comeback.

Interjection: Also relevant.

Mr Gilchrist: Also relevant.

Ms Lankin: It's pretty bad when you have to get ministerial briefing on diplomacy, Steve.

Mr Gilchrist: All right. We can keep coming up with more synonyms all morning if you like, Ms Lankin, but the bottom line is that none of them thought it was appropriate to change. Not only is there history, there is undoubtedly a rationale in their minds.

Ms Churley: I'd like to know the rationale.

Mr Gilchrist: That's fair enough, but I guess the people to ask aren't around this table. If they believe it's appropriate for the operation of the TTC, and they are the ones who handle the day-to-day operations themselves, not us, then I think, at the end of the day, we must defer to their observations and their point of view. So if you wish to canvass them in the weeks and months to come and if they believe there is a change that could be made, that's fine. But it would have to be done by resolution of council, I would submit; otherwise all we're doing here is expressing the personal points of view of two or three members. I don't think that's what legislation should be all about.

The Chair: Shall the motion on page 5 carry?

Mr Silipo: I want to ask for a recorded vote. I want to see the members of the government on the record supporting the status quo.

Ayes

Silipo.

Nays

Froese, Gilchrist, Hastings, Munro.

The Chair: The motion fails.

Further debate on section 25? Shall section 25 carry? Section 25 carries.

Further debate on section 26? Shall section 26 carry? Section 26 carries.

We are now on page 6, which is Mr Silipo, a New Democratic Party motion.

Mr Silipo: I move that section 27 of the bill be amended by adding the following subsection:

“Non-application of OMERS

“(3) The Ontario Municipal Employees Retirement System Act does not apply to the commission’s employees.”

This is just an attempt to clarify that TTC employees would get to keep their own pension plan. I believe this is one of the provisions that was asked for by Metro; I’m not sure of others, but I think it was in the Metro submission. As I say, it’s just a way to make it absolutely clear that TTC employees would continue to have the separate pension plan that they have. There were some who thought there might be some ambiguity and they might be drawn into the OMERS plan. It’s really an attempt just to be helpful on that score.

Mr Gilchrist: Thank you, Mr Silipo, but we believe the present wording does make it absolutely clear. In addition, the present wording reflects the status quo without interfering in the affairs of the TTC. It says at the outset that the TTC pension fund society is continued under that name. There is no possibility of an incorrect interpretation arising from that section. That’s the advice we have from legal, and in fact Metro did not make any representation that should be changed.

Mr Silipo: I’m told they did, but okay.

The Chair: Okay? Further debate? Shall the motion carry? All those in favour of the motion? All those opposed? The motion fails.

Shall section 27 carry? Section 27 carries.

Debate on section 28? Shall section 28 carry? Section 28 carries.

There is a government motion on page 7.

Mr Gilchrist: I move that clause 29(1)(a) of the bill be amended by striking out “steam railways” in the third and fourth lines and substituting “railways incorporated under federal or provincial statutes.”

This was requested by Metro. It provides more up-to-date language to describe railways which are exempted by this clause from control of the TTC, so of course this would be GO Transit trains that would be exempted. The term “steam railway” has long been used in the Metro act and obviously describes, aside from a couple of tourist operations, a completely outmoded mode of power. The

revised language describes what are commonly thought of as railways by describing the basis for their incorporation.

Mr Silipo: I’m going to actually support this amendment. I believe that the following one was another attempt by us to achieve the same thing, so I certainly agree this is a useful amendment within the context of the bill.

The Chair: All those in favour of this motion? This motion carries.

We are proceeding with page 8.

Mr Silipo: I’m not sure whether we need to, in light of the other amendment. Perhaps I’ll just withdraw it.

The Chair: That amendment is withdrawn. We’re all in agreement. There is an amendment on page 9, a government motion.

Mr Gilchrist: I move that paragraph 1 of subsection 29(3) of the bill be amended by striking out “steam railways” in the seventh and eighth lines and substituting “railways incorporated under federal or provincial statutes.”

This has exactly the same rationale as the last amendment discussed.

The Chair: All those in favour of this motion? The motion carries.

Shall section 29, as amended, carry? Section 29, as amended, carries.

Further debate on sections 30 through 32? Shall sections 30 through 32 carry? Sections 30 through 32 are carried.

We are now on to page 10. Mr Silipo, I believe there has been a typographical error. This should be subsection 33(3). The clerk informs me that is a typo.

Mr Silipo: Yes. I move that subsection 33(3) of the bill be amended by adding the following clause:

“(k) passenger transportation services operated by the Toronto Area Transit Operating Authority.”

I know there is a government amendment that follows. I think we’re both here trying to do the same thing. I’m not wedded, quite frankly, as to which of the two is passed. If Mr Gilchrist wants to point out if his amendment is broader or better, I’d be quite happy to look at that.

1100

The Chair: Maybe we can just break for a minute. Do you want to get an opinion on this?

Ms Lankin: I think because of the typo, that it’s subsection 33(1), it got ordered first.

The Chair: Let’s try it again. Where do you want to go on this?

Mr Silipo: Why don’t I just withdraw it to facilitate, then, and we’ll just go with the government amendment.

The Chair: Okay, that’s withdrawn. Mr Gilchrist, we’re on to page 11.

Mr Gilchrist: I move that subsection 33(3) of the bill be amended,

(a) by striking out clause (c) and substituting the following:

“(c) railways incorporated under federal or provincial statutes;” and

(b) by adding the following clause:

"(k) passenger transportation services operated by the Toronto Area Transit Operating Authority."

I certainly would like to recognize that the second half of that motion is identical to the NDP proposed amendment that has been withdrawn, and we've also just changed another reference to steam railways and would appreciate their support on this.

The Chair: All those in favour of this motion? The motion carries.

Shall section 33, as amended, carry? Section 33, as amended, is carried.

Further debate on sections 34 through 43? Shall sections 34 through 43 carry? Sections 34 through 43 have carried.

We're on to page 12, which is a government motion.

Mr Gilchrist: I move that section 44 of the bill be amended by striking out subsections (2) and (3).

What this does, very simply, is remove uncertainty regarding the status of official plan amendments, including amendments which have been adopted prior to December 31, 1997, but are not approved until after that date. The reason for the amendment is that concern has been expressed that these subsections cast uncertainty on the status of official plan amendments and that their deletion will remove such uncertainty. Subsection (1) makes it very clear that whatever the official plan is on that day is the official plan the next day. The other sections, if anything, made it less clear, so to go back to its simplest form we think is an improvement.

The Chair: All those in favour of the motion? The motion carries.

Shall section 44, as amended, carry? Section 44, as amended, is carried.

We're on to section 45. There's a New Democratic Party motion on page 13.

Mr Silipo: This is one of the important issues that we heard from at least a couple of deputants that I recall.

I move that subsections 45(2) and (3) of the bill be struck out and the following substituted:

"Size and composition of board

"(2) The board shall consist of 23 members, of whom,

"(a) one shall be appointed by the public district school board or boards whose geographic area of jurisdiction includes all or part of the urban area;

"(b) one shall be appointed by the separate district school board or boards whose geographic area of jurisdiction includes all or part of the urban area;

"(c) one shall be an employee of the Ministry of Health, appointed by the Minister of Health; and

"(d) the balance shall be appointed by the council so as to include,

"(i) at least one member of the council,

"(ii) at least one member of each community health committee established under section 45.1.

"Conflict

"(3) Subsection (2) applies despite subsections 49(1), (2) and (3) of the Health Protection and Promotion Act."

As I was saying, this is one of the other important areas that we heard some deputants on, and that was with re-

spect to the new board of health. As you recall, we heard from both the East York group as well as Councillor Tabuns, who spoke on behalf of the coalition of the health boards from across Metro, pointing out that the structure set out in the present bill in their view limited the board severely.

They weren't arguing, as you might have expected, for the government to keep the health board separate, which I think people could make a very solid argument for, notwithstanding the amalgamation of the municipalities. What they were saying was, "Have the body be large enough so that it can reflect the different constituencies that have to come together to set out good public health policy for the new city." So we have tried to reflect in this amendment and in the subsequent ones the structure they suggested, which was a broader health board with 23 members. In subsequent amendments, I'll talk a little bit about the community health committees they've also suggested.

I haven't heard anything from the government on this in terms of their inclination — I suppose I could read by the fact that they didn't put an amendment forward that they won't support this — but I'd like to hear, obviously, from the government members what their position is on this and why they wouldn't be open to setting up a structure that would allow for those different constituencies and those different points of view to be reflected on the new health board so that it can function and continue to do the kind of good work that many of the health boards across Metropolitan Toronto have been doing.

Mr Gilchrist: Thank you, Mr Silipo, for your comments. We are responsive to the suggestions. Our problem is that we've seen no resolution by council that 23, which seems to be just a number picked out of the air, is what they want. Again, this is the sort of decision that is quite appropriate, and if the member would like an undertaking that if the new council wishes to pass a resolution calling on the province to increase the membership and provides a rationale that obviously the councillors themselves agree with, then we will respond, and we'll respond favourably to that.

Our concern is that while 23 is certainly larger than what's proposed under the Health Protection and Promotion Act, there has been no rationale provided for why that number in particular seemed to accomplish the ends that you're suggesting are appropriate. I think this is the sort of thing the new council should, in a timely fashion, look at. Obviously they have the ability to respond very quickly. If they think that right while they're getting the new board of health up and running it's appropriate to add more people, they'd simply bring that resolution forward to us. But then it will be their decision, and maybe 18 or 23 or some greater number is going to be what they think is appropriate.

It's my recollection right now that the submissions made by the various groups picked various numbers. If my memory serves me correctly, they said from 17 to 23, even Mr Tabuns. That wide a range and, quite frankly, that degree of uncertainty as to what is the position of any

council out there needs to be clarified by the new council. But I will tell you we will embrace whatever resolution they bring forward and make the change as appropriate. If they can come up with a rationale their own councillors buy into, then that will be sufficient for us.

Ms Churley: I see this as a really serious problem. On a lot of these issues, you respond by saying, "Let's leave it up to the new council to decide, and it's something they should act on quickly." Imagine this new council, just newly elected, and there's going to be issue after issue after issue and many of them are going to be urgent and important. It sounds very easy now to sit here and say, "We'll leave that up to the new council; we'll wash our hands of it and let them decide." In some cases that makes sense, but I don't think it does in this case. I really worry about the implication of so many problems the new council is going to encounter. You're going to have a limited number of councillors now for a huge area. They are going to have thousands of issues to deal with during the transition period. This one is such a serious matter.

We have a situation in Toronto — and we know we have different issues in different communities. We have in North York a situation where the mayor of North York doesn't believe there are homeless people. There are homeless people, but they're having to be shipped down or come down or picked up from North York and brought into the city of Toronto because the city of Toronto has the services. That's largely through a very innovative, proactive board of health that has recognized these problems and has been dealing with them in a very proactive way. So there are different problems within different cities which are going to be amalgamated.

1110

We know that TB is on the rise among homeless people. We know that the government is downloading public health responsibilities to the municipalities and that there's going to be a huge shake-up in how these services are delivered and what the new council is going to be able to afford to deliver. I can guarantee you that there are going to be vast differences of opinion among the different municipalities. I think this is a really serious one, very serious, because we're dealing with public health matters. I don't think you as the government and we as the legislators of Ontario should be taking an issue this critical, this vital to the wellbeing and health of our population and saying: "Oh, well, we don't know what the right number is. We'll let the new council deal with it."

I would say we should accept this amendment as a threshold. If the new council then decides over time they want more or less, let them make that decision. But as the legislation stands now, it is fundamentally inadequate, and it is going to create some very serious problems.

This is not one to fool around with. We have a responsibility. We have been told by a spokesperson, Councillor Tabuns, for a coalition that is quite worried about the impact of this, that this is not adequate or sufficient enough, and they have asked us to change it. If we don't get the number quite right right now, yes indeed the new council over time can deal with it. But I don't want this

new council to be stuck with not dealing with this, not getting to it because they have other things, more pressing matters, and then we start to reach crises in some of our public health issues. As we see more people going to food banks, we see more homeless people, we see the down-loading of many services to young people, street kids, this is not adequate. I implore and I really advise us all as legislators to take this one very seriously and accept this amendment today.

Mr Silipo: I just want to be clear that I too am not wedded to the number of 23. On that point certainly I agree with Mr Gilchrist. What's magical about 23? He's right that some of the presenters when they talked about this in fact expressed the range. This is the way the amendment came across. If changing this so it would read, "The board shall consist of up to 23 members," if that would make it acceptable, Mr Gilchrist, I certainly would be very open to making that change.

As Ms Churley has explained, my concern too would be that while I appreciate the openness that Mr Gilchrist is expressing here, I think we heard very clearly from those folks who have been involved in the boards of health. Mr Tabuns particularly was speaking, I understood, on behalf of people who have been involved in the various health boards. That was probably as global a view as we could get, and there is a fair amount of consensus, as I understand it, on the need for this particular body to be larger than the present law allows.

I'm looking also for a way in which we can respond to this in a way that doesn't have to wait another year or two before that can be done, because while I can appreciate the new council can pass a resolution asking, I think we all understand that doesn't mean the government or the Legislature is going to be able to respond right away.

I'm concerned about the transition process as well. I think problems would come about if the boards of health have to go from the numbers we have now to the numbers prescribed under the legislation and then maybe at some point there will be some broadening of that.

I'm looking to see if there is a way here in which we could leave some flexibility. If it was worded to say, "The board shall consist of up to 23 members," that still leaves lots of room if Mr Gilchrist wanted to suggest other ways in which the government's perspective could still be left there. If you wanted to leave some level of approval that would have to be put in, I think that's probably something we could do as a way to sort of have the legislation allow for more representatives than the present draft allows but still not leave that completely open-ended. What I'm saying is, as there seems to be some openness here, perhaps this is one area where we could find a way to try to address this through the amendment, even if it means making some changes to what I've suggested here.

Mr Gilchrist: If I could —

The Chair: Could I just ask for the committee's indulgence for one minute. Ms Lankin is before you, Mr Gilchrist.

Mr Gilchrist: Oh, sorry.

Ms Lankin: Are we okay in terms of procedure here?

The Chair: I was raising the question just in my own head whether we can deal with this motion when we haven't — I'm looking at the last couple of lines of your amendment, Mr Silipo. You're referring to a section that doesn't exist yet, section 45.1. But I think we'll just continue on and see how things go.

Mr Silipo: I see what you're saying.

Ms Lankin: If I may try to speak to Mr Gilchrist on this, I do understand the position you've taken with respect to the new council on this issue and a range of issues being able to determine the future of its committees and its issues. There is a persuasiveness to that argument in certain areas. But the time it will take a new council to prioritize the issues, to sort through the issues, to bring forward a series of recommendations, because I doubt the Legislature will deal with separate bills and amendments to an act on a one-by-one basis and we're going to want to see a collection of these things, means that certain issues can't be left to that kind of time frame.

I too want to echo the words of my colleagues on this. Particularly as a former Minister of Health, I want to speak to you about the importance, during this period of transition, of having the best advice and best voices from the various communities coming together to inform the composition of the new board of health and the programming of the new board of health. There are very significant and different programs that exist throughout the existing municipalities, and it's very much because the boards of health have been responsive to the population health needs of those communities, and we know that they do differ.

I can speak about a reason for the attention given to heart-healthy programs in East York in terms of the population composition of that municipality compared to some of the street health programs that are under the city of Toronto board of health dealing with the downtown and poorer populations. There are some very different programs and different emphases. Through a period of transition, it is critical to deal with these issues using the best advice.

I want to point out that others have said Mr Tabuns spoke on behalf of a coalition of the boards of health, that there was a consensus of opinion that the number in the Health Protection and Promotion Act was not satisfactory. When you talk about the concern that nobody knew whether it was 17 or 23 or in between, what they did know was that the existing number in the act was not adequate.

I want to point out that in addition to the voices of the boards of health and the public members on the boards of health who were represented in the submission by Mr Tabuns, we also had representation from the medical officer of health of the borough of East York. So there is not a difference of opinion between the paid professionals, being the medical officers of health, and the community members on the boards of health. I think it is an important voice to listen to and it is a crucial issue, as was very eloquently put forward by Ms Churley.

1120

I would hope that the friendly amendment that's being suggested of up to 23 members might give you more comfort and allow the council to actually make a determination of what the correct number is, but that you will not tie the hands of the new council until they are able to deal with this issue or until they are able to get a resolution passed and are able to get a package of amendments to the Ontario Legislature and then through the Ontario Legislature; you would not tie the hands of the council that in the first iteration of the new board of health for the new city of Toronto it starts on a very inadequate footing. I urge government members, and Mr Gilchrist in particular, to please see that there is some merit in the proposal that's been put forward.

The Chair: Ms Lankin, just for the record, there's been talk about friendly amendments. The time allocation order unfortunately precludes, even if there's unanimous consent, in my opinion, all amendments. The paragraph in the time allocation motion is that all amendments shall be tabled with the clerk of the committee by 12 noon on October 1. I interpret that as all amendments, which would include amendments to amendments. So at least in my opinion, even if all members of the committee agreed, and we haven't even asked that question, I don't think we can do that.

Mr Silipo: Surely we could, Chair. Surely by unanimous agreement we could do that.

The Chair: I wish I could say yes, but that's what the time allocation motion says. To clarify, the committee can't agree to do something that the House has not ordered. It's as simple as that. Are we on points of order here now that I've opened up a can of worms?

Ms Churley: I don't quite understand something here. You can only make amendments to amendments once you're in the committee during discussions. It's my understanding that's normally when amendments to amendments are made, in the process of discussion where it's felt that there needs to be a compromise. I've sat on other committees where we've done that, so how is this different?

The Chair: I would agree with you 100%. The problem is we're into a time allocation motion where a motion has been specifically set forth in the House. You're absolutely right, on other —

Ms Churley: It's crazy.

The Chair: Well, who am I to say? I'm sitting here as Chair looking at a motion of the House. I quite agree with you, on anything but time allocation motions it happens all the time. The problem is we've got a time allocation motion.

Mr Silipo: Two points, and it is on a point of order, Chair, on that: The first is that surely the overall intent of the time allocation motion, including that piece of it, is to guide the work of the committee as far as the time frames are concerned. This would not one iota impinge on the time frame, so I believe you do have some flexibility as Chair on that point.

Secondly, even if you were to conclude that you didn't, I would argue that there is another way. If it were of unanimous view, for example, that this was something we could agree to, I don't believe there is anything that precludes the committee, in addition to reporting the bill, to reporting in the subsequent paragraph in that committee report that the committee was of the unanimous view that this change should also be made. I think if there is a will, what I'm saying is I think there is a way for that issue to be put. Then obviously there would have to be agreement by the House leader to incorporate that in some way in the bill. What I'm saying is that there is at least that other route that's open, and I guess the bottom line here remains, first of all, is there agreement among the committee members that the kind of change that I'm suggesting would be useful?

The reason I press on it is because I think it allows for two things to happen, for both what I think the deputants reflecting the boards of health told us and also the kind of flexibility that Mr Gilchrist wants to give the new council. I agree that needs to be there, because if the new council decided that they just wanted to keep the number as is presently set in the legislation, the "up to 23" would allow them to do that, and yet if they wanted to increase that, they could do that without having to come back through the process. Since Mr Gilchrist is saying that the government would be open to whatever the new council wanted to do, this is just a way that would facilitate that to happen.

Mr Gilchrist: If that was a question posed to me, Mr Silipo, the topic is moot, because your arguments, while they certainly reflect the points of view of the people that came before us, I agree wholeheartedly, the status quo is that we're talking about the board. Not a single program, not a single front-line staff member changes on day one. So nothing changes on January 2 of next year. Presumably Mr Tabuns will lobby for, and may very well get if he wins the election, the position of the chair of that committee.

Obviously the council has a lot of tasks, but they will break that down into subcommittees, and if Mr Tabuns, as his first order of business, believes there should be more, then it's appropriate they bring it forward. The bottom line is he himself said 17, including a number of groups. I would remind you that every one on the board of health right now is appointed by the city. There are no people from school boards, there are no employees from the Ministry of Health, so you can take those three people off right there.

Interjection.

Mr Gilchrist: Excuse me, we don't get people from the Ministry of Health appointed by the Minister of Health. Forgive me, I should have phrased it that way.

So you start working backwards from that and we're talking a difference of three people from the low end of his range to the status quo. I don't believe that the difference of three people is going to make that big a difference in terms of reflecting different views.

Ms Churley, in anticipation of what you might suggest, the bottom line is that council is the one that should be making these representations. Mr Tabuns did not come before us and say 23; Mr Tabuns came before us and said a number between 17 and 23. He had no resolution of council. I take him at his word that he was reflecting the views of the other chairs of the boards of health, but that in no way can be suggested to reflect the views of the majority of all councillors.

We're talking about something where every other municipality is covered by the same act, every other municipality has the same challenges. Metro may have more people that they have to deal with, but the bottom line is that if the council wants to make that change, and in particular if they want to suggest some deviation such as adding the Ministry of Health, in the first place, this is beyond the purview of the Health Protection and Promotion Act. Quite frankly, we just can't support it for those reasons.

Ms Churley: Its difficult to know what we're debating here, the points of order or the issue.

The Chair: We're debating the motion. I've ruled that you can't make amendments to amendments.

Ms Churley: I just want to respond briefly to Mr Gilchrist. He ended his speech with he can't support it, but I'm disappointed and saddened that Mr Gilchrist came back, I believe, in a very partisan way on this. I think that our party, all three of us did try to — we're not talking about Mr Tabuns here. His name came up because he was the representative of a lot of people involved in this field from all walks of life, from all parties who really know the area. This is about that community health community coming forward and saying this is not adequate.

I honestly believe, Mr Gilchrist, that the three of us sitting on the NDP side came forward with trying to find some compromise because we think it's important, as the members of the government probably think, leaving aside perhaps what feelings they might have for Mr Tabuns, because I know there is strong — in my view, I don't think we're approaching this in a partisan way at all. We made a submission that this one we take is very critical in the transition time and that there is a way to deal with it. Mr Silipo's compromise was a very good one. I think it meets some of your concerns about it as well. So I just don't quite understand really what the problem is. Nothing you said, Mr Gilchrist, changed any —

The Chair: Point of order, Mr Froese.

Mr Tom Froese (St Catharines-Brock): Are you allowing an amendment to the amendment?

The Chair: No.

Mr Froese: No. So what are we debating this for?

Ms Churley: The motion itself. That's all I have to say about it.

The Chair: You're finished? Further debate?

Ladies and gentlemen, I raised a question as to whether we may have a technical problem. I'm going to ask for unanimous consent that we set this motion down until we have dealt with the motion on page 14, which is section 45.1.

Do I have unanimous consent? Yes.

Mr Silipo, there's an amendment on page 14.

1130

Mr Silipo: Thank you, Chair. I appreciate the way you're dealing with this.

I move that the bill be amended by adding the following section:

"Community health committees

"45.1(1) The council shall, by bylaw, establish a community health committee for each part of the urban area that corresponds to an old area municipality.

"Functions

"(2) A community health committee shall,

"(a) make recommendations on public health matters to the council and to the board of health;

"(b) perform any other function that the council or the board of health assigns to it by bylaw."

Interruption.

Mr Gilchrist: Keep going, Mr Silipo. We can hear you.

Mr Silipo: I was just trying to figure out which group you've upset today, Mr Gilchrist, that is out there.

Ms Churley: It could be one of many.

Mr Silipo: I want to start by saying I appreciate your dealing with it this way because I agree with you that since this section is a new one that's referred to in the previous one, we need to know whether we want to incorporate this first.

I want to make the argument to the government members that even if they don't support the previous one, this is one that can stand alone and that I hope they will support, because what this does is establish within each of the current area municipalities a community health committee. It is certainly at least one way to ensure that the concerns in each of the present area municipalities don't disappear and are dealt with.

Particularly if the government isn't going to be agreeable to a broadening of the numbers on the new health board, at least this would add, in the structures of the new council, a way whereby the local citizens' voices and other people who are interested and affected by the public health policies and an application of public health policy in each of the parts of the new city would have an opportunity to continue to feed their input into the process.

I want to say, without belabouring the point, it's one example of the kind of issue that I think we haven't gotten into enough in this and it's one of the issues that I wanted to explore with the transition team around how, as they are looking at this, there's going to continue to be that kind of local input.

I appreciate that the community councils are going to play some role in that in overall terms, but I think the area of health policy is one where we know there has been great benefit by having, in addition to the health boards in each local municipality, the various area committees that are reporting to it and are able to get into the details, community by community, of the kind of changes that need to be brought about to continue to improve the delivery of health services across the city. This structurally

would, at least at the area municipality level, continue that.

We think this is an important step that needs to be taken, whether or not the government agrees to the earlier proposal we've made that would broaden the membership on the health board itself.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion fails.

We shall return to page 13. All those in favour of this motion? Opposed? This motion fails.

I guess we haven't done 45 yet, have we? Shall section 45 carry? Section 45 carries.

Debate on sections 46 to 57, inclusive? Shall sections 46 to 57, inclusive, carry? Sections 46 to 57, inclusive, carry.

We are on to page 15, which is a government motion.

Mr Gilchrist: I move that subsection 58(1) of the bill be amended by striking out "the Metropolitan Toronto and Region Conservation Authority" in the second and third lines and substituting "the Toronto and Region Conservation Authority."

It simply reflects a request by MTRCA to change their name to reflect the new name of the city.

The Chair: All those in favour of this motion? This motion carries.

Shall section 58, as amended, carry? Section 58, as amended, carries.

We're on to page 16, which is a government motion.

Mr Gilchrist: I move that subsection 59(2) of the bill be amended by striking out "the Metropolitan Toronto and Region Conservation Authority" in the second, third and fourth lines and substituting "the Toronto and Region Conservation Authority."

Exactly the same rationale. We're just changing the name of the MTRCA.

The Chair: All those in favour of this motion? This motion carries.

Shall section 59, as amended, carry? Section 59, as amended, carries.

Debate on sections 60 to 64, inclusive? Shall sections 60 to 64, inclusive, carry? Sections 60 to 64, inclusive, carry.

We're on to page 17, which is a government motion.

Mr Gilchrist: I move that the bill be amended by striking out section 65 and substituting the following:

"Definitions

"65(1) In this section,

"'Board' means the board of directors of the Hummingbird Centre for the Performing Arts; ('conseil d'administration')

"'Centre' means the land and building vested in the city known as the Hummingbird Centre, formerly known as the O'Keefe Centre. ('centre')

"Board continued

"(2) The corporation known as the board of management of the O'Keefe Centre is continued under the name the board of directors of the Hummingbird Centre for the Performing Arts in English and conseil d'administration du Centre Hummingbird des arts d'interprétation in

French; its purposes are the operation, management and maintenance of the centre as a theatre and auditorium and as a centre for meetings, receptions and displays.

"Application of common provisions

"(3) Subsection 66(2) applies in respect of the board.

"General policies

"(4) The council may, by bylaw, establish general policies to be followed by the board in the operation and management of the centre.

"Bylaw re composition of board etc

"(5) The council may, by bylaw, establish,

"(a) the size and composition of the board;

"(b) the qualifications that its members are required to have;

"(c) rules regarding their reappointment;

"(d) procedures for filling vacancies on the board; and

"(e) the circumstances under which a member's seat becomes vacant or he or she becomes disqualified from sitting as a member.

"Not a local board, exceptions

"(6) The board is not a local board of the city, except for the purposes of,

"(a) the Ontario Municipal Employees Retirement System Act; and

"(b) section 210.4 of the Municipal Act.

"Audit

"(7) The board's accounts and transactions shall be audited by the city's auditor.

"Pensions

"(8) The board may provide pensions for its employees, or any class of them, and their spouses and children, and may enter into agreements with any person for that purpose.

"Borrowing

"(9) The board shall not borrow money without the approval of the council.

"Taxation

"(10) The board's occupation, management and control of the centre shall be deemed, for the purposes of paragraph 9 of section 3 of the Assessment Act, to be occupation, management and control by the city."

Basically, this section clarifies certain issues regarding the Hummingbird Centre, in particular clarifying the change in the name from the O'Keefe Centre to the Hummingbird Centre, and gives the council authority to make further changes. It's essentially the same authority given to council elsewhere in Bill 148 to determine the size and composition of the historical board and the parking authority.

Mr Silipo: Could Mr Gilchrist or ministry staff tell us whether the provisions that are now in the bill, subsection (5) in particular, which says, "The board shall be composed of not fewer than three and not more than seven members, appointed by council" — is that what currently exists in legislation?

Ms Elizabeth McLaren: That's not what currently exists. What currently exists is what we have changed it to in the amendment. That's why we did it. Because they had

done it by bylaw and we had missed the bylaw that had made that change.

Mr Silipo: All right. The only question I have then — because that was one determinant for me in terms of my support. The other is, is it clear — and I probably have just missed it; I'm sure it is somewhere in here — that it's the council that's going to appoint the members to this board?

Mr Gilchrist: Yes.

Mr Silipo: Where is that?

Mr Gilchrist: I think it's 5(a). Once the first board is due for replacement or reappointment, then 5(c) would apply.

Ms Lankin: I would just like to draw to the attention of committee members and place on the record that I find it interesting that an amendment is brought forward to give the council the flexibility to determine the size and composition of the board and a number of methods of appointment and reappointment with respect to the board of directors of the Hummingbird Centre for the Performing Arts, which I believe is an important cultural institution, but I believe should not have more importance placed upon it by the government in terms of attention to the method of appointment and size and composition of the board than the board of public health, the matter that we just finished debating, a matter on which the government was totally inflexible in terms of giving the kind of upfront power to the council to make a determination without bringing it back to the Legislature, which was simply all we were trying to accomplish by the amendment put forward.

The Chair: All those in favour of this motion? Opposed? This motion is carried.

Shall section 65, as amended, carry? Section 65, as amended, carries.

We are on to page 19, which is a government motion.

1140

Mr Gilchrist: I move that subsection 66(2) of the bill be amended by striking out "the board of management of the Hummingbird Centre" in the second and third lines and substituting "the board of directors of the Hummingbird Centre for the Performing Arts."

This reflects a recent Metro bylaw changing the name of the Hummingbird board from that contained in Bill 148 to the name that we're now proposing in this motion.

The Chair: Shall this motion carry? This motion is carried.

Shall section 66, as amended, carry? Section 66, as amended, is carried.

Any debate on section 67? Shall section 67 carry? Section 67 carries.

We are on to a New Democratic motion, which is on page 20.

Mr Silipo: Could I ask that prior to dealing with this motion we deal first with the motion that is on page 25 of the amendments package, which would amend subsection 69(1), because all of the prior ones, this one and the next three or four, would be consequential amendments. They come before because the sections come before, but they're

consequential to that basic issue that's addressed in subsection 69(1).

The Chair: Unanimous consent? Agreed. We're on to page 25.

Mr Silipo: I move that subsection 69(1) of the bill be struck out and the following substituted:

"Toronto Reference Library Board continued

"(1) The corporation known as the Metropolitan Toronto Library Board is continued under the name Toronto Reference Library Board in English and Conseil de la Bibliothèque de référence de Toronto in French.

"Functions

"(1.1) The Toronto Reference Library Board shall,

"(a) provide a reference and research service that reflects the unique needs of the urban area;

"(b) maintain a comprehensive collection of books, periodicals, films and other material for the purpose of clause (a); and

"(c) provide library resources and services to the Ontario library community.

"Composition

"(1.2) The Toronto Reference Library Board is composed of,

"(a) the mayor;

"(b) one person appointed by the Toronto Public Library Board;

"(c) one person appointed by each English public school board whose geographic area of jurisdiction includes all or part of the urban area;

"(d) one person appointed by each English separate school board whose geographic area of jurisdiction includes all or part of the urban area;

"(e) for each part of the urban area that corresponds to an old area municipality, one person who resides there and who may be a member of a community council, appointed by the city council."

This amendment essentially would continue the Toronto Reference Library Board as a separate governing structure for the Metro reference library. I think government members have heard me make this argument before. Unfortunately, it was not one of the issues that in the process of the hearings we heard from people, but I hope people will take it at face value that this continues to be an issue within the library community.

While I think people have generally accepted — not agreed to but accepted — the reality that there will be one public library board in Metropolitan Toronto as a result of the amalgamation, there continue to be strong views about the need to maintain a separate structure for the Metro reference library. I think there is general recognition that this library is different from all of the other public libraries in Metropolitan Toronto and indeed in the province. It is a reference library that caters therefore to particular services that are not provided anywhere near in the same way in other libraries.

I think the argument has been made very clearly, when we went through Bill 109 in particular, the Public Libraries Act, that in fact there should be a separate governance structure. I want to acknowledge that the government, I

think, has understood the point at least halfway in terms of acknowledging that there will continue to be a funding relationship between the Ministry of Citizenship and this library, unlike that which will exist between the government and any of the other libraries across the system as a result of the fact that government funding is being discontinued with respect to all other libraries.

But I want to say that's only halfway to recognizing the uniqueness that we have here and there continues to be a strong argument to be made that there should be a separate governance structure to deal with the unique needs of this library, a library which serves not only Metropolitan Toronto but the GTA and serves indeed people from outside the GTA, as well as the one main reference library that we have in the province.

The other point I want to make on this goes back to the transition team. People may not know that when we dealt with Bill 109, there was an amendment that I had put similar to this dealing with 109 and there was, I believe, a similar amendment by the Liberal caucus. The way in which the committee dealt with those two amendments as a result of some significant discussion was that — and I think some government members may have been there for part of it, I'm not sure — we agreed unanimously as a committee, obviously with the government caucus agreeing, that this was an issue that required further examination. We therefore agreed to forward the two amendments to the transition team, for them to take a look at the issue of a separate structure as they were doing their work and as they would be making their recommendations with respect to the transition to the new city.

I have to say I have never heard anything back from the transition team on that and it is one of the questions that I would have put to them, had they deigned to be present in the second half-hour they had promised that they would be here and then didn't show up. So I don't know if the transition team has simply forgotten about this issue or if they have looked at it and decided that there should not be a separate governance structure. Perhaps the government members know. Perhaps they have received some response, or perhaps they too are still in the dark about this.

But the bottom line is that I believe the arguments that have been made are still valid. My sense too from talking to various members of the government caucus is that there is, from any of those who have paid any attention to this issue, a fair amount of support for this notion that there is merit to the idea of the separate governance structure continuing for the Metro reference library, but what we don't have is an indication by the government that they're prepared to actually have the law reflect that understanding.

As I say, I regret that this is an issue that hasn't gotten the attention it needed during the hearing process. I don't know if the lack of an amendment here from the government means that they will simply ignore this issue, or maybe they'll surprise me and say that they're going to support this amendment. But I do believe this is an issue that is still significant out there, and I would say to the government members the fact that you have not heard

from people during the hearings on this should in no way indicate to you that people out there are no longer concerned about this. There is still strong feeling from people in the library community that this would be the best way to continue to ensure that the Metro reference library continues to be reflective of its unique services and continues to deliver those, also in a way that would be reflected by having the separate governance structure continued.

I'll listen with interest to the reaction from the government caucus on this.

Mr Gilchrist: Very simply, we believe that the act very clearly lays out the requirement for the Toronto Public Library Board to continue to provide a reference and research service; it does it in great detail. As the member has already acknowledged, with the cooperation of the Ministry of Citizenship, Culture and Recreation, we have assured the Toronto library board, and presumably anyone reading this act, that resources will be there to allow it to continue to maintain that function. We don't believe it's appropriate to set up a second body to oversee that.

1150

North York has had an excellent reference aspect to its library system. It manages to accomplish that with the same board. In fact, I think there's a very compelling argument that it is quite appropriate to have the same people charged with the task of maintaining all of the library resources in order to ensure that there is cooperation and efficiencies in the way the materials are purchased and then allocated throughout the various libraries of the city.

It also is appropriate to be tied into the same electronic listing of all the assets of the library. Anything that would complicate that, particularly if it means nothing more than creating a few more patronage appointments or another government body, is really inappropriate.

Quite frankly, North York is very concerned that, the way the amendment is proposed here, there is a possibility that their assets could be stripped. They obviously are very keen to make sure the books and other resources in their reference library remain where they are and under the control of a coordinated library board. We won't be supporting this motion.

Mr Silipo: I don't understand the concern around North York. Maybe I'm misreading this, but the only reference to resources here is to the resources that now exist within the Metro reference library. There is no indication or no interest in terms of the amendment to move or take any resources away from any other libraries, so I don't know what the latter part of Mr Gilchrist's comments are all about.

The Chair: Further debate? All those in favour of this motion? All those opposed? This motion fails.

Shall section 69 carry?

Interjection.

The Chair: We're into it, we've got to vote on it.

Shall section 69 carry? Section 69 carries.

Ladies and gentlemen, we have to return to section 68.

Before we do that, I would ask the clerk to distribute the subcommittee report to members of the committee. We have a few minutes before recess. I would ask agreement that we deal with the subcommittee report. There appears to be agreement.

Mr Silipo: We haven't dealt with this?

The Chair: No. We've got a problem if we don't deal with it too, so hopefully there is agreement.

Mr Silipo: We didn't deal with it at the beginning?

The Chair: No. Do you have the right document, Mr Silipo? There's a subcommittee report of September 24. This is not on this bill.

Mr Gilchrist: But it's an issue coming before this committee one week from now.

The Chair: The committee needs to deal with this if we're going to have people come before this committee on this bill.

Mr Silipo: I'm sorry. I just realized as you said that. I looked at it quickly the first time and wondered why the clerk was giving it to us. But you're right, this deals with another bill. Could I just ask that perhaps we deal with this at the beginning of the afternoon session?

The Chair: Fine.

Mr Silipo: I want to be helpful, but I haven't had a chance to take a look at it.

The Chair: Okay. We'll return to page 20, Mr Silipo, which is a New Democratic motion.

Mr Silipo: Chair, there isn't any point in having people just vote through all of these which, as I said, would have made sense if we had adopted the amendment on 69(1), so I'm going to withdraw.

The Chair: Further debate on section 68? Shall section 68 carry? Section 68 is carried.

We are on to page 26, a New Democratic motion. Mr Silipo.

Mr Silipo: Again, I will withdraw that amendment. That was part of the Metro reference library.

The Chair: Further debate on section 70? Shall section 70 carry? Section 70 is carried.

We are on to page 27, which is a government motion.

Mr Gilchrist: I move that subsections 71(1) and (2) of the bill be struck out and the following substituted:

"Historical board continued

"71. (1) The Toronto Historical Board, incorporated by the Statutes of Ontario, 1958, chapter 160, section 5, is hereby continued under the name Toronto Historical Board in English and Conseil historique de Toronto in French.

"Objects

"(2) The objects of the board are,

"(a) the construction, maintenance, control, operation and management of the city's real and personal property of historic interest within,

"(i) the area of the former city of Toronto, and

"(ii) any other part of the urban area that the council fixes, by bylaw; and

"(b) any other objects of a similar nature that the council assigns to the board, by bylaw."

The reason for this amendment: The dissolution of the old and creation of a new historical board would most likely have led to a loss of its current charitable status under the Revenue Canada regulations. As the board relies almost entirely on gifts from individual or corporate donors to acquire material and objects of historical interest, the loss of its charitable status would have a tremendous, adverse impact on this source of material.

Based on the request by both the Ministry of Citizenship, Culture and Recreation and the museum boards in Etobicoke and Scarborough, we've also made changes to the objects of the board to ensure that there is enough specificity, particularly in (b), where it says "any other objects of a similar nature," that Revenue Canada would not be able at some point in the future to come back and change their interpretation of this board as a charitable institution.

Mr Silipo: Question: I was curious to see the way this was redrafted, particularly subsection (2)(a)(i) and the specific reference to "the area of the former city of Toronto." Is the reason for that the one that Mr Gilchrist just gave, around clarifying any ambiguities around the charitable status?

Mr Gilchrist: That, tied in with the fact that there are other entities that operate historical facilities under the control of the existing six cities right now, Todmorden Mills, for example. There are museums in Etobicoke and Scarborough. There were concerns expressed that, the way the bill was originally drafted, they would automatically be replaced by the new Toronto Historical Board, and they wanted the new council to be able to decide on their futures.

If at some point in the future it is the view of the council that it is appropriate to move control of the Guild Inn or some other entity in Scarborough under the Toronto Historical Board, then council will be able to do that by bylaw.

Mr Silipo: I appreciate that explanation because I just wanted to be clear that we wouldn't, as a result of this amendment, be seeing the minister stand up at some point and say that the government is now continuing the Toronto Historical Board. You're not going to try to couch it that way. You are saying that you are doing this specifically for the purposes of clearing up any ambiguities around the charitable question.

Mr Gilchrist: Yes. We're continuing the existing board, as opposed to scrapping it and creating a new one. The legal opinion was that if we maintained the current board expressly, it's charitable status remains intact.

Mr Silipo: You're continuing the present one, but then, in the next amendment, you're going to wipe out the North York Historical Board.

Mr Gilchrist: Go ahead, Liz.

Ms McLaren: In the original Bill 148 we had merged; we had gotten rid of the Toronto Historical Board and the North York Historical Board and created a new one. Two problems: In the North York board that was fine. It had been disbanded. It doesn't exist any more so we were just clearly up and getting rid of a piece of legislation. The

problem was the way we had done it, by creating a new one, the existing Toronto Historical Board would have lost its charitable status. That's why we're continuing it, to make it clear that it, as a body corporate, is continued and therefore maintains its charitable status.

However, in Bill 148, we had extended the boundaries of the new historical board that we had created to the entire city. There has been some concern raised in the heritage community that that might prejudice how the new council would wish to deal with heritage facilities. So under this amendment we are saying the Toronto Historical Board is continued within the boundaries of the former city of Toronto, and if the new council wishes to extend its boundaries and its powers to include the entire new municipality, they may by bylaw do that. That decision has been left to council to take.

Mr Silipo: I appreciate that clarification because that's what I wanted there to be real clarity about. It's a more political point, which is that I wouldn't want to see the minister stand up and say that they now have continued the Toronto Historical Board without also saying that the new council can do what the government originally had in the bill, which was to append that new board to the new council. The jurisdiction of the historical board will not be limited to the current city of Toronto. It can, if the new council decides to, but the new council can also decide that it will be a board, the Toronto Historical Board, that will have responsibility and therefore the assets will be dealt with across the whole of the new city, which I think was one of the concerns that we heard about.

The Chair: All in favour of this motion? Opposed? The motion is carried.

Shall section 71, as amended, carry? Section 71, as amended, is carried.

Ladies and gentlemen, we've reached the time. We must recess until 3:30.

The committee recessed from 1201 to 1537.

The Chair: We'll resume.

Ms Lankin: Mr Chair, could I ask if there's a quorum.

The Chair: There is not a quorum. Members of the committee, we will recess for 10 minutes.

Ms Lankin: Mr Chair, I'd just like to point out to you that when we came in here at half past, I pointed out there was not a quorum and indicated at that time that there would be 10 minutes —

The Chair: I've just called the meeting to order, Ms Lankin.

Ms Lankin: The time allocation motion says the meeting be called to order at 3:30, Mr Chair.

The Chair: Well, I'm telling you the meeting was called just now, and it's the first time I've heard a member officially request whether or not there was a quorum. People keep coming and going out of here. We are recessed.

The committee recessed from 1538 to 1540.

I call the meeting to order. Ladies and gentlemen, I believe we have voted on section 71 and we are now on to page 28 which is a government motion, Mr Gilchrist.

Mr Gilchrist: I'm sorry, the page number is?

The Chair: It's page 28.

Mr Gilchrist: Mine aren't numbered here, for some reason.

The Chair: Section 72.

Mr Gilchrist: I move that section 72 of the bill be struck out and the following substituted:

"Dissolution of an old board

"72. The North York Historical Board, incorporated by the Statutes of Ontario, 1974, chapter 151, sections 1 and 2, is dissolved on January 1, 1998."

The effect of the amendment is to dissolve the North York Historical Board. The reason behind it is that the North York Historical Board, like the Toronto Historical Board, was established as a body corporate. However, it was to be dissolved originally under Bill 148. As noted in our discussion earlier on section 71, the Toronto Historical Board is being continued as an existing corporation.

We've been informed that the North York board no longer exists and that its duties have been taken over by the city's parks department. North York indicated they had no problem with this change, and as you will recall in the discussions we held earlier about the Toronto Historical Board, we indicated that in the future they would have the power to expand their control to any other part of the urban area that the new council might decide. They can do that by bylaw. This addressed the concern that there may be certain entities that currently exist outside the boundaries of the old city of Toronto that did not want to be subsumed by the Toronto Historical Board and it would be up to the council to make that decision in the future.

In my riding, we have entities such as the Guild Inn. I know that Todmorden Mills — we have a number of other historical entities like Campbell House and a bunch of others that operate under separate boards.

Mr Silipo: As I'm sure you know, I'm going to vote in favour of this.

Mr Gilchrist: It's a great comfort to me to know that it has been a compelling argument. Given that, I have no further comments to make on this amendment.

The Chair: Debate? All those in favour of this motion? Opposed? The motion carries.

Shall section 72, as amended, carry? Carried.

Any debate on sections 73 through 76? Shall sections 73 through 76 carry? Carried.

We are on page 29 which is a government motion.

Mr Gilchrist: I move that subsection 77(1) of the bill be amended by striking out "new historical board" in the second line and substituting "Toronto Historical Board."

This is a minor wording change arising from the continuation of the Toronto Historical Board rather than the creation of a new historical board. It merely permits council to dissolve the THB rather than what was to have been the new board, if that was its view at some point in the future.

The Chair: Debate? All those in favour of the motion? Opposed? Carried.

Shall section 77, as amended, carry? Carried.

Debate on sections 78 through 94? Shall sections 78 through 94 carry? Carried.

The next motion is a New Democratic Party motion which is on page 30. Mr Silipo, I have a problem with this motion. This is an allocation of public funds and my understanding from the standing orders is that this type of motion can only be made by a minister of the crown, because of allocation of funds. Unless you wish to make some comments, I believe it's out of order.

Mr Silipo: Chair, if you believe it's out of order, then I don't think I'll be able to convince you otherwise. The reason we had put this motion in was to try to put into law what the minister has been saying which is that this was going to be an even trade and that there was not going to be a shortfall left in the hands of the new council and the property taxpayers, but if that's inappropriate to put into the legislation, then we'll just keep pressing the point with the minister and the government.

The Chair: Thank you, Mr Silipo. Debate on sections 95 through 97?

Mr Gilchrist: Section 94 as well.

The Chair: I thought I included 94, but if I didn't — Does anyone know? I thought I did. I have it written in my notes, so I must have. If there's uncertainty we'll do it again. Shall section 94 carry? Carried.

Any debate on sections 95 through 97? Shall sections 95 through 97 carry? Carried.

We're on to page 31 which is a government motion, Mr Gilchrist.

Mr Gilchrist: Thank you, Chair. I wonder, however, if pursuant to the rules I could ask for a 20-minute recess, please?

Mr Mike Colle (Oakwood): You can just ask for a recess any time you want?

The Chair: Bear with me, Mr Colle. I have a problem with this, Mr Gilchrist, and I'm going to read you the time allocation motion, the pertinent paragraph, which I believe applies. I believe you can have that but it has to be at the end of the day. I'm going to read this to you: At 5pm on October 2, "those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Any divisions required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 127(a)."

It's been drawn to my attention that this applies to after 5 o'clock and so — excuse me, Ms Lankin, perhaps you have a comment.

Ms Lankin: Yes, I was just going to indicate that the standing orders are unfortunately overridden by the time allocation motion, which says that we must proceed to debate and vote on each one. It does not provide for other aspects of the standing orders, like amending amendments or any sorts of things to be done during the course of a committee that's under time allocation.

The Chair: Could I just ask for the committee's indulgence for a minute?

I believe that the request is in order, and on further reflection that the section I just read applies only after 5 o'clock. The 20-minute recess would apply only after 5 o'clock.

Ms Lankin: It can't be.

The Chair: Well, that's what it says.

Ms Lankin: Sorry, Mr Chair, the time allocation motion guides everything that we do at this point in time, and from the time we began the process of clause-by-clause this morning, what we must do is provided for solely in that time allocation motion. It does not allow for a break by any of the caucuses until such time as you get past 5 o'clock, when you are allowed one break.

I presume the parliamentary assistant's problem has been resolved now, given that another member of your committee just arrived and that's what this was all about, but I would indicate to you that if you want to set a precedent with respect to how we treat time allocation motions, then continue with your ruling. It is most unusual, given the way chairs have ruled in the past, that we are absolutely bound by time allocation motions and cannot even do things with the unanimous consent of the committee unless it's set out in that motion.

The Chair: Just a comment, and then we'll be open for further discussion. You're right, we're bound by this motion.

Mr Gilchrist: However, we're only bound in the sections that are relevant to the motion. I don't think the member would suggest that the rules governing the fact each member gets 20 minutes to speak have been stopped. That's not spoken to in here. There are standing orders that specify what caucuses in committee can do in terms of — you're precisely correct. That's been used many times by the Liberals and the NDP over the course of the last two years to ensure their members are here for votes on particular sections of bills when we get through clause-by-clause.

1550

The bottom line is that this motion talks only about what happens after 5 o'clock; it does not in any way interfere with any other standing order that speaks to other duties and responsibilities members have. Having said that, and not because I agree with Ms Lankin, I will withdraw the request for a —

Interjections.

Mr Gilchrist: Let me just put on the record finally that, having not sat in on the hearings, the Liberals have decided to show up here for the second half of clause-by-clause. I don't know for what other reason, but it's no less appropriate for us to wait for other members to join us.

Interjections.

The Chair: Ladies and gentlemen, I've had enough. I want to proceed. We're on page 31, which is a government motion.

Mr Gilchrist: I move that subsection 98(4) of the bill be struck out and the following substituted:

"Permitted levels of tax rate reductions

"(4) Tax rate reductions made under subsection (2) shall be set so that, when they are applied to the applic-

able assessment rateable for local municipal purposes within the boundaries of the old area municipality, the reduction in the amount of the general local municipality levy that applies within those boundaries does not exceed the product obtained when the following are multiplied together:

"1. The amount of the levy increase in 1998 that is due to pre-existing higher expenditure levels for services in one or more other old area municipalities.

"2. The percentage that is shown opposite the relevant year in the table to this section."

If I could speak to this, the effect of this amendment is it clarifies that the limit on the reduction in the amount of the general local municipal levy is calculated based on the increase in the levy in 1998 due to pre-existing higher expenditure levels in other old area municipalities — and due to no other reason — times the percentage set out in the table.

The reason for the amendment: It clarifies the intent of the subsection that already existed in the original wording of the act. Some concern had been expressed about whether reductions in the levy could relate to reasons other than pre-existing higher expenditure levels in other old area municipalities. This amendment was proposed by Metro.

Mr Silipo: There's a reference to a table that relates to the section. Could Mr Gilchrist or staff point me to which table they're referring to.

Mr Gilchrist: Page 54 of the bill.

The Chair: Further questions or debate? All those in favour of this motion? Opposed? The motion carries.

Shall section 98, as amended, carry? Section 98, as amended, carries.

Is there debate on sections 99 through 108? Shall sections 99 through 108 carry? Carried.

We have a government motion on page 32.

Mr Gilchrist: I move that the bill be amended by adding the following section:

"1998 borrowing limit

"108.1 For the purposes of subsection 187(4) of the Municipal Act, the estimated revenues of the city for 1997 are the sum of the estimated revenues of the old municipalities as shown in the estimates adopted for 1997."

This amendment clarifies that the limit on temporary borrowing, pending the receipt of taxes and other revenues, is the combination of the estimated revenues for the seven old municipalities in 1997. Since the new city does not exist in 1997 there may have been some confusion about how to calculate the limit on the city's temporary borrowing without this provision.

The Chair: Debate? Shall this motion carry? All those in favour of this motion? All those opposed? The motion carries.

We are on to section 109. Is there any debate on sections 109 to 118? Shall sections 109 through 118 carry? Carried.

There's a New Democratic motion on page 33.

Mr Silipo: I'm happy to move this amendment which I think people know has been put together by my colleague from Beaches-Woodbine.

I move that part XVI of the bill be amended by adding the following section:

"Composition of council

"Additional member from East York

"118.1 For its first term of office, the council shall include one additional member, to be elected for the ward of East York."

The Chair: Rationale?

Mr Silipo: Ms Lankin will speak to this.

Ms Lankin: We've arrived at the moment of truth here. I want to tell you that my colleague the member for Riverdale and I have been working with members of the community of East York flat out for some period of months at this point in time. You will recall the feeling of the residents of the borough of East York with respect to the government's Bill 103 and the creation of the new city of Toronto. You will recall that they began the Say No to the Megacity campaign. You will recall that they had the highest participation and highest percentage No vote in the referendum that was held.

The people of East York are a resilient lot, having lost on a battle that was important to them, dear to their hearts, in which much time and energy on the part of hundreds and hundreds of residents was poured into. They sadly accepted the government's decision and looked to the future. You will also recall that during the hearings on Bill 103 and then during the process of voting on amendments, the government brought forward an amendment to create community councils.

That was in response to the very strong representation that had been made from residents, in each of the former municipalities, of the need to have a continuation of local governance, of a way for neighbourhoods to relate to their local elected representatives and to deal with issues, the scope of which will be determined eventually by the new council but to bring that down to a level that corresponded to the historical boundaries of the old municipalities and that allowed for communities of interest, based on those old municipalities, to continue to work together and continue to have an influence on the new city council's decision-making.

Also, of course, in the bill was the composition of the new council. Members of this committee will know that Bill 103 provided for two councillors for the new ward of East York, that ward being identical to the existing boundaries of the borough of East York. Very quickly, upon the passage of Bill 103, people began to understand that the community council — which again I would point out was not part of what was in the bill at the time of committee hearings, but came through amendment and response to public participation — people in East York quickly understood two things about the representation.

One was that they would have a community comprised, in terms of its elected representatives, of two councillors. They very quickly saw a recipe for frequent deadlock and believed that didn't really give the community council an

opportunity to get off the ground and to be viable to work in the interests of the neighbourhoods and the communities and the residents of East York.

Second, they understood, in looking at the representation, that on a councillor per resident basis, East York was at the high end. I think it is all true. We will acknowledge that someone's got to be at the high end, someone's got to be at the low end and someone's got to be in the middle. But for a community of people who once proudly held their heads high as Canada's only borough, as the borough of East York, who fought so hard to keep that identity, to look and see, for example, the city of York having four representatives on the new council, and a greater possibility of an effective community council, hit hard and hurt much.

The community responded in a very positive way. It was with energy to try and say: "Although we don't like what the government has done and we resent that our city has been taken away from us, our municipal government, we want, within the structure of the new city, something that will work." The call developed very quickly for three councillors for East York.

1600

At that point in time we began talking about it with our colleagues in the Legislature. It was clear at the beginning that the Minister of Municipal Affairs felt this was an item that should be left to the new council to determine. I want to simply say it is not fair to leave this matter for up to three years until the next election to be resolved for the people of East York.

As you know, I introduced a private member's bill. When it became clear to me that was not going to be dealt with, in consultation with my colleague the member for Riverdale I introduced a series of amendments, trying to deal with all the government's possible concerns about odd or even numbers on the large city council, about representation and the permanency of it versus what the new council might decide. Through a series of discussions and a series of amendments that I've put forward, I have come to ask you to support this particular amendment. It is to add one additional member to the council from East York so there would be three councillors to be elected for the first term of office of the new city council.

It is a transition measure. It is one in which the new city council can and will at some point look at its issues of boundaries and representation. But you know they won't do that in the first six months, you know they won't do that in the first year, maybe even the first two years. There are so many other things the council will have to deal with through that period of time. All the people of East York are asking for is some equity in representation and the ability to have an effective working community council.

The parliamentary assistant asked me to enlist support and I can tell you I have taken his instructions to heart. Both of the lead mayoralty candidates for the new city support this. My colleague from Riverdale got the signed declaration of all the candidates running in East York, who support this. I've talked to councillor-candidates in the areas around East York who support this. The transi-

tion team said clearly in East York that they support it. The chair of the transition team, Alan Tonks, says he has no problem with this amendment going through for the transition period. He understands it's important.

Mr Sutherland, who is the person who has been dealing with recommendations on community councils, says he recognizes the call from East York, how important it is. They're including recommendations in the transition committee report that they hope at some time the council will be able to deal with it, which might help alleviate the situation, but he announced no problem with respect to this particular amendment that is before us. I'm quite sure, based on the comments I heard from Mr Blair at the meeting in East York, that Mr Blair on the transition team is fully supportive of this as well. Of course you know he's a former mayor of the borough of East York.

There isn't anyone who is opposed to this. The minister has said he thinks the new council should deal with it. That doesn't give fairness to the people of East York over the course of the next three years, to wait until the next election. The only other way to deal with it would be on an interim basis by a by-election, which is costly and makes no sense.

I am sounding frustrated because I don't have a sense that I'm able to get government support on this. I'm hoping I'm wrong. I'm hoping that maybe what Mr Gilchrist told me before we came back in here, which was that there was no instruction being given to the government members, that they were free to vote their will on this, is true and that people will be swayed by the arguments and by the support of this from their colleague from York East, although I wish he were on the committee and voting, that he had got himself subbed on.

Be that as it may, I am hopeful you will listen to the call of the people from East York. There is no one who has expressed objection to this. There is no reason you can't do this, other than some obstinacy that I don't understand.

I will leave my comments for now at that. I implore members, the parliamentary assistant has said you've not been instructed, and the minister today in the House said you will vote your own minds and that you've not been whipped. If that is true, then I urge you to do that. You have heard the minister on the record in response to the questions today from the member for Riverdale and myself that he will not instruct the committee, that he's not even looked at the amendment and that he's leaving it up to you. I'm asking you to do the right thing for the people of East York.

Mr John L. Parker (York East): I am a supporter of Toronto's amalgamation. I think it's the right step to take. I believe amalgamation will turn out to have been the right move for East York, the right move for Toronto, and I believe it will turn out to have been the right move for the greater Toronto area. I think the government was right to bring about Bill 103 and to bring about the amalgamation of Metropolitan Toronto's municipalities.

It wasn't easy for me to say those things last winter when I was attending all those meetings and hearing from

many people who seriously and vehemently opposed that suggestion. I told them at the time that I would vote my conscience on Bill 103 and would do what I thought was right. What I thought was right at that time and what I think is right now is that the government proceed with the amalgamation of Metropolitan Toronto. I think it will turn out to have been the right thing to do.

That may leave some people dissatisfied with my decision. That may leave some people feeling I didn't vote the way they wanted me to vote. That's something I have to live with, but I voted my conscience at that time because I voted in a way I thought was right.

I was very pleased that in the final form of Bill 103 the original municipal boundaries were respected. That was a concern that was brought forward by many people, not only in East York but in other parts of Metropolitan Toronto. I think it's to the government's credit that this concern was respected and that those boundaries found their way into the final bill in the form of the boundaries of the community councils. I believe that the government was attempting to respond to a very serious concern by people across Metro on that point and that the government responded in a sensitive way, in a manner that was intended to show respect, concern and appreciation for that particular point of view.

The result of that measure, however, in the case of East York left the people of East York in a position where I believe remedial action is warranted. This causes me to come forward today in support of this proposed amendment in a manner that is equally sincere as my position in favour of the concept of amalgamation as a general proposition.

This support may cause me to suffer the disapproval of some others who may wish that I would speak in favour of the original proposal of two members for East York, but again I'm speaking as a matter of conscience, and when I speak on this matter I must not be concerned with who I might find favour with or whose favour I might lose as a result of speaking on this matter. I'm speaking as a matter of conscience on what I think is right and what I think is right for the people I'm here to represent, people I hold in great respect.

I have shared my thoughts at length with the minister. I have not been particularly public about this. I have not made a great deal of public waves on this matter. But I have been speaking with the minister and I'm pleased that the minister has always had time to hear from me on this point. I have detected — I think people around this room have detected — a softening in the position of the minister on this point. If my efforts with him have contributed to that, then I'm very pleased I've had that effect.

I've got to tell you, the minister's a tough sell. He doesn't roll over the first time you come at him with a proposal and he certainly doesn't back down if you come at him with a lot of threats and a lot of histrionics. He does appreciate good, sound, logical arguments, and I've tried to present such arguments to him. I haven't been successful with him yet. He hasn't come across and given me the response that frankly I've been looking for, which is to

agree to this proposal and to sponsor his own amendment to it. But as I say, and as I think people around the room have detected, there has been a softening in the kind of position the minister has taken on this proposal and I am hopeful my efforts to that extent have had some effect.

I'll share with you the approach I have taken, the arguments I have made with the minister, which I think are sound in logic and which I think merit the support of the members around this room here today.

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Under the arrangement that's in the proposed legislation, East York will have just two city councillors to represent its population of over 101,000 people. This would amount to more than 50,000 residents for each councillor returned by the voters of East York. It would make East York the most underrepresented ward in the city's 28 wards.

Ms Lankin quite properly points out that someone's got to be the biggest. You're not going to saw it off at exactly the same number with everyone, but I make the point that the present formula leaves East York at the absolute bottom end in terms of representation per population, more than 50,000 residents for each councillor. By contrast, the residents of York-Eglington and the residents of North York Centre South, which have populations of about 62,000 people each, will have virtually double the representation on the new council than will the residents of East York. The residents of Scarborough-Wexford, which has a population of about 63,000 people, and the residents of North York Centre, which has a population about 66,000, will not be far behind those other two in terms of representation. The disparity between these wards, with representation averaging one councillor per 31,600 residents, and East York, with one councillor per 52,000 residents, is very difficult, frankly, for me to reconcile.

By providing for a third councillor for East York, what would that do? East York would have one councillor for each 34,000 residents. This would leave four other wards in the new city more heavily represented than East York. I'll repeat that point. Even if East York is granted a third councillor, East York would still not be the most heavily represented population. There would still be four other wards that are more heavily represented in terms of constituents per councillor. Doing so would also reduce the disparity between the most highly represented ward and the least represented ward, because it would increase representation at the low end without increasing representation at the high end. That is to say, it would bring the two ends of the scale more closely together. It would be fair to the people of East York and it would be unfair to no one.

Adding a third councillor would also bring East York's total voice on the new council more reasonably into line with that of York, one of the six areas to retain its boundaries in the formation of community council districts in the new city. York, with a total population of about 138,000 people, has a population really just marginally greater than that of East York. However, York will have two wards, and that would give it four councillors on the new

city council, which means that with about a third more residents than East York, York will receive fully twice the voice on the new council. That is a problem that could be rectified by the simple addition of a third East York councillor.

The further obvious benefit of adding a third councillor for East York would be to address the difficulty created by the prospect of a two-member community council. Having three members would make for a much more workable arrangement in many respects in terms of keeping a quorum, in terms of ensuring fuller representation and debate, and in terms of simply breaking potential voting deadlocks.

To summarize, adding a third councillor for East York, to my mind, would make sense for the following reasons: It would reduce the disparity between the most highly represented ward and the least represented ward in the new city. It would not increase East York's degree of representation beyond what would already be the case in at least four other wards in the new city. It would bring East York's voice at city council into a more appropriate balance with that of York. No disrespect to my good friends from York, but we're looking at fairness of balance in this case. It would bring East York more into balance with that of York, which has only a modestly greater population, but which under the format currently proposed would have double the representation. It would allow for a more workable community council. Finally, it would bring fairness to East York and it would bring unfairness to no other ward.

It is for those reasons that I have been urging the minister to accept the recommendation to amend the bill to add a third representative for East York, and I am hopeful that my remarks here this afternoon have been persuasive with the members of this committee.

Ms Churley I hope you can hear me from this mike. I am here today of course to speak in favour of our amendment before you today.

I want to start by saying how pleased I am to see that John Parker, the member for York East, is here today in support of this amendment. I have to say that he's been very loyal to his government on this issue, and yes, he's taken a lot of flak in local meetings. I attended several of them and witnessed that myself. He did remain true to his own convictions and his loyalty to his government through it all, and I think that should be taken into account.

I believe that today Mr Parker is here to stand up for his constituents, although I am sorry that he didn't get himself subbed in to the committee, because that would mean at least one vote over there. I don't know how people are going to vote. I really don't. I know that I talked to some of the members on the committee beforehand and I am sure Mr Parker has been doing so as well, or I hope. I have been assured by some of the members I talked to that it is a free vote, and of course Mr Leach, in response to my question and the supplementary by the member for Beaches-Woodbine today, was very clear that he was not going to ask the members or tell the members how to vote on this issue.

I think we all recognize that often that's how government, with the majority of government members, worked. Perhaps you could say that sometimes is a problem within all governments, all parties, that a minister has a particular direction he or she wants to go and it becomes very difficult sometimes for committee members to vote another way. But I believe Mr Leach gave us his word today, as he gave the members on this committee his word today in public in the House, that they should listen to the debate, listen to the local member who just laid out — I'm not even going to repeat it. Between the member for Beaches-Woodbine and the member for East York, they have given very, very solid arguments as to why we should all support this.

From my understanding, since this began, before the member for Beaches-Woodbine made her amendments and during many discussions we've had with members from the government side, with the community, with all of the people the member for Beaches-Woodbine talked about, I don't believe there is any opposition to this. I have not found any. Previously in committee when we were discussing this and we were conversing with the parliamentary assistant, and also in the House, if you'll recall, about why we could not do this, there are two things that came out for me, and I think they've both been addressed. In fact, I know they have.

There was some perhaps legitimate concern expressed that it might set a precedent, that if you start making amendments for one borough in this case, for one region, that it could cause others to come forward, and you open up the dam essentially. I believe that very clearly has proved not true. It hasn't happened. Of course, today's the last day for clause-by-clause. Also, all of the other regions within the new megacity are aware of this and none of them has come forward and said, "If you do this, we also want something changed," so I believe now that's become absolutely moot. It hasn't happened, so it's no longer a factor.

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The second reason the parliamentary assistant gave to me in the House when I questioned — no, actually, it was after he had made a speech in the House. He said at that time that he thought it was unfair to the councillors and other candidates who were running that they had their literature printed and their offices open. I thought maybe he had a point, actually; I didn't know, but I did go to check. I went to a meeting of Team East York. I talked to some of the candidates myself and they in turn went out and canvassed all of the candidates, including the mayor, and each and every one of them signed a declaration saying that this would not be a problem for them, and they in fact urged the government to move forward. So that's the second reason that was given which may have had some legitimacy but turned out to be not a problem.

At this point, given that it seems like absolutely everybody is in support of this, it cannot possibly at this stage cause the government any problems vis-à-vis other regions asking for the same treatment. I do not see any reason whatsoever why the minister — he did say he hadn't read

it. He's aware of the problem. I don't see any reason why the government members could not support this today. It's quite reasonable.

I recognize from having been in government that sometimes what looks on the surface to be simple might, if you vote for it, turn out to create a whole set of other problems that wasn't anticipated. We all know that and we all understand that. You have to look very carefully when you're in government at the implications of amendments, new laws, new regulations. It can have huge impacts. But we have looked very closely at this, as has the member for East York. There are no implications whatsoever really, except a positive one for the residents of East York. That's it.

That is the only implication to this, because the member for Beaches-Woodbine was responsive to the concerns expressed. She submitted an amendment which makes it transitional. We agree I suppose with the premise that this has happened; we don't like it, but it's a done deal. There's going to be a new megacity with one council, and they should be making the decisions. There are a lot of decisions to be made. That's one of the problems. When are they going to get at this?

It's our belief, and I don't believe anybody can argue with this, that East York will go for three years without proper representation. I can assure you, as I said in the House today, that I have been talking to a lot of people in East York from all parties, and they all indicate the same thing: It is the number one issue. People are not happy about the megacity but they recognize that it's a done deal, it's going to happen, and they've responded actually in a very positive way. They came forward when the transition team came up to talk to them. They've held their own ward meetings. They held a big meeting at the end. They've given very positive suggestions in a very positive way about how they can help make this work for them as a community. So they came forward in a very energetic and positive way: "Okay, we lost. We're not happy, but here are our suggestions as to how we can improve things, how it can work for us."

I think people generally feel satisfied to some extent that they've been listened to, but the biggest problem that people express over and over again is that they are lacking proper, equal and fair representation.

As the member for Beaches-Woodbine said, and I think the member for York East is hearing the same thing, people are hurt, including Tories in the riding who supported Mr Parker. It goes beyond feeling that they are just being treated unfairly and that that's government; that's the way it works. They're hurt, and they want this government to listen to them on this one issue.

I would say, in all good faith, the people of East York ran a very effective campaign against the megacity; there is no doubt about it. But after the decision was made, they settled down to try to work constructively with the government, with the transition team, with the local councillors and the mayor to make it work for them. This is a very important piece to all of the residents of East York. So I would really urge the government members to listen

carefully to the arguments that are put forward today and take the Minister of Municipal Affairs at his word and support this amendment today.

Mr Silipo: I just want to add briefly a couple of comments. The arguments on the merits of why the amendment should be supported have been most ably made by Ms Lankin, Ms Churley and Mr Parker. There's nothing, quite frankly, that I could add on that level, but I do want to say something else.

Everybody understands the fight around the megacity. Everybody in this room understands the depth of that and at the end of the day the fact that we squared off as we did.

I want to pick up very briefly on one of the latter comments that Ms Churley made, which is to say that this is an opportunity for the government members particularly to show they understand that this concern is not about whether there will be a megacity. This concern is responding in a positive way to how to make this thing work for one major part of the new city in a way that ought not to upset anyone. It's not a situation where you have one group of people coming in here saying, "We believe strongly that this shouldn't be done," and another group saying, "We believe strongly it should be done." It's been mentioned that virtually everyone who would have an interest in this has said they either have no problem with this or they support this.

It's one of those rare opportunities where as parliamentarians, regardless of how we stood and voted on the megacity, we have an opportunity to say, "Yes, this is another way to make this piece work, regardless of how we felt and feel on the whole issue of the megacity," and to know that this is a transition measure that's being suggested, but one that will go a long way to buying a lot of good faith and ensuring that people feel there is still some ability by this Legislative Assembly to listen and to respond to the concerns of citizens and communities.

Mr Parker: I just want to comment on a few points that were made by Ms Churley in her remarks. She commented on my loyalty to the government during Bill 103. There are times when my loyalty to my government, it might surprise her, coincides with my own conscience. That was certainly the case with Bill 103, and I can't think of a case where it hasn't been the case. This is one instance where I am speaking out quite candidly in support of a proposal that the government has not yet indicated its support for, but when I supported Bill 103, I supported Bill 103 because I happened to agree with the principles of Bill 103. That was support in conscience.

I'll tell you something else: It didn't happen automatically. It took me a while to sort through all the various merits of all the different models and all the different proposals and all the different arguments before I was comfortable that amalgamation was in the interests of all of us, all things considered. But having gone through all of those considerations, my support for Bill 103 was one of conscience. I agreed with what Bill 103 was attempting to accomplish and, as I say, I still believe that it was the right thing to do and it will eventually be seen to have been the

right thing to do on the part of many people who still currently have their doubts about it. So my support for Bill 103, although it may have coincidentally supported the government, was not motivated out of loyalty to the government; it was motivated out of my own conscience.

As to being subbed on today, frankly it was my wish to be subbed on to this committee today, but I had responsibilities elsewhere in this House through the course of the day and it just wasn't practical to have me subbed on. I've made arrangements to be here in any case so I can speak on this matter. I've been here as much as I have been able to today so I would be available when this issue came up. My failure to have been subbed on was not the result of any lack of effort on my part; it was simply not possible for me to be subbed on today, given other responsibilities that I had to respond to over the course of the day.

1630

Mr Gilchrist: I appreciate the comments made by all my colleagues here today. Let me just say at the outset that speaking personally, first off, I wrestled with this one far more than perhaps the member from Beaches-Woodbine would ever be prepared to concede, but I give her my sincere assurances that this was one that I recognized had a particular effect on a part of the city that I don't represent. I believe very strongly that part of the whole process that we're involved with is that at the end of the day we're responsible in the aggregate, yes, for everything that happens in the province, but our first responsibility is to the people in our specific ridings. I certainly accord you and Mr Parker and Minister Johnson that due.

Ms Lankin: And Ms Churley.

Mr Gilchrist: I'm sorry. Forgive me, Ms Churley. Don't take it personally.

So I would hope in the reverse, if we were talking about something to do with my riding, that there would be a similar accommodation.

I guess I looked at it from two viewpoints: first, the practical. There's no doubt that as we look at the number — and by the way, a number of people today have talked about population. I should point out that the distribution has been on the basis of electors, and while that normally follows fairly closely, it's not an absolute correlation.

There's no doubt that adding a third person in East York takes you from the highest end to the lowest end of the scale, and without splitting hairs it's within about a thousand at the bottom. What it does not do — and I appreciate very much that you have canvassed within the community, and even to some extent, the member has said, she has spoken to some other politicians outside. But it still raises the issue that, for example, just coincidentally, the ward that overlaps my riding the most, Scarborough Highland Creek, by the time this year's enumeration is completed I am very confident will show that it has surpassed East York and will have a greater number of electors as a result of the extraordinary amount of new home construction that's gone on in the last two years. It really does pose a philosophical and moral question: If respecting the need for a greater degree of representation in East

York is appropriate, why is it any less appropriate to the people, the same population or greater, in another ward elsewhere in the city?

I think we would all agree that the perfect world would have been for Metro to have been doing on a far more regular and timely basis a review of the distribution and the boundaries of its old wards. Had that been the case, and if we were looking at a variance of perhaps plus or minus 5%, this debate would not be going on right now, because having gone to two councillors per Metro ward, we would be within that same range.

The problem is, and it's not the fault of anybody sitting in this Legislature, that Metro chose, for I think some fairly obvious reasons, not to go through that stressful exercise, not to dislocate anyone and not to make the tough decision of changing their boundaries as they should have. We have inherited that. We looked at a number of issues as we went through Bill 103. With the greatest respect to the member who is making this motion here today and has made it very forcefully and articulately, I remember that during Bill 103 you were just as outspoken about the need to preserve city boundaries, and that in fact the original proposal which would have had 44 elected councillors on the basis of two per federal/provincial riding did not jibe with your stated objective to have the boundaries of the old cities respected.

Purely and simply, and I can say again personally, after great debate at the highest level, the decision was made to increase the number of councillors by 30% and to do it in a way that would respect those boundaries. The only way that did that fairly, without the accusation of gerrymandering by this government, would be to take existing boundaries, namely the Metro wards, and simply put two councillors in each one.

I do not recall — and I don't want to say this as an absolute, but I sat in on every minute of those hearings and many, many town hall meetings, as the member knows — anyone raising the issue back then and proposing an amendment to Bill 103 that would have added a third or fourth councillor then. Yet there's no doubt that everyone realized that the one elected councillor would become two, and in effect, instead of having a councillor and a mayor represent East York at Metro council, you would have two elected councillors at the new Toronto city council. So we had an opportunity in Bill 103 to have accommodated this sort of thing at a time when everyone was in a position to debate.

We had representation being made by a lot of sitting councillors, not just from East York. You'll all recall that we had councillors from Scarborough and North York and Etobicoke who came before us. We would have had their views on whether or not making an exception for East York put them in an awkward situation with their electors and, quite frankly, put them in a situation where they would have demanded the same thing for, for example, Scarborough Highland Creek.

Had that been the debate and had we been able to ascertain that going to the Metro wards was as fraught with problems as having gone to the 44 federal or provincial

wards, then I think we may have come up with a very different shape to the electoral map today. It may very well have been, with all-party agreement, that we would have said, "If Metro hasn't done it, let's equalize the population within all of those wards." We could have solved the issue very fairly back then. We didn't. That isn't the fault of any one person. I'm not attributing blame. It is the sort of thing that in the course of the debate, and there's no doubt there were many other issues on the table, nobody brought forward; no one made that specific recommendation.

The practical concerns are very legitimate because there are parts of the city that are growing at different rates than others. I think we would all accept, as has been the case with the redistribution that's just been done by the federal government and now copied by us, that the population will fall within a certain variable from a mean. We have not had an opportunity to do that. If we had, I would not have these practical concerns, because Scarborough Highland Creek would be treated as fairly as East York would in whatever change then took place.

But the thing that pushed me over the edge was a very legal issue. To the member, we had a number of discussions. I am not a lawyer, and had I known this, I give you my word I would have advised you. This was only pointed out to me literally earlier today by legal counsel: This bill of course does not come into force until January 1, 1998, so it doesn't matter what we do in Bill 148; nothing this election can put a third or fourth councillor in.

Interjection.

Mr Gilchrist: No. With the greatest respect, Mr Silipo —

Mr Silipo: You can change the subsection any time you want.

Mr Gilchrist: No. I'm sorry, Mr Silipo. You would have to make an amendment to Bill 103 and Bill 148, and also, I believe, you would have to make a change to the Election Act as well.

Interjection.

Mr Gilchrist: Well, that is the advice I am getting. Certainly just reading Bill 103 and the section that covers the composition of council, it really is relevant to suggest that nothing we do in this one act without opening up the Election Act and without an earlier proclamation of any one section would change the status quo. So what you would have on January 1 is a vacancy.

I don't deny that on January 1, when this act takes effect, you would then have the ability for more councillors to be put in place. The new council would then have to call a by-election to fill that. I submit to you that that is really no different than allowing the new council to consider the issue of representation and to make any submissions they want in terms of changes. I have some confidence that as a result of simply following the Metro ward system and now having it exposed that there is a variance, something that I don't think a lot of people knew about before the debate on Bill 103, and now this debate, took place — I don't think a lot of people realized that some votes in Metro Toronto are worth one and a half votes in other ridings —

maybe we can have the confidence that the new council will put in place the steps to redistribute their wards.

1640

More to point, your primary concerns, as you've expressed them in debate earlier in these hearings and to me personally, were at the community level. I don't believe you've ever said to me — and if I've misinterpreted anything, I certainly apologize — or suggested to me that when we're debating the big-ticket issues, social services, the major roads and that sort of thing, there is a substantive difference between having two votes out of 57 or three votes out of 57. Your submissions were primarily in the area of what happens at the community council level, where having two members would obviously lead to a potential to tie votes or to a need for unanimity for anything to happen at all and for a logjam.

I am not privy to all the details. I had an opportunity, as Mr Silipo did, to hear from the transition team the first portion of their time here, and one of the questions did relate to this topic. I have not seen the details, but I recall Mr Sutherland saying that he had some exciting proposals that would deal, he believed, very directly with your concerns about issues relating to the community council level. I am prepared to take him at his word, knowing full well that the new council will have the power to make any changes it deems necessary to ensure that there is adequate representation and adequate numbers on any one community council to guarantee that the scenarios you've posited do not come to pass.

I'm comfortable with the idea that, by sticking to the status quo, by keeping their feet to the fire, Metro will have a greater incentive to make sure that there is a fairer balance in future elections and that there is adequate and appropriate representation on all community councils.

I am looking forward with great eagerness to the report from the transition team that I understand should be out next week that will include the relevant recommendations. I hope the member, when she has an opportunity to see that, will be similarly pleased and confident that the changes they are proposing will address her concerns fully.

But at the end of the day the knowledge that we've simply taken one ward, which coincidentally happened to be a separate city, and given them a particular treatment that has not been accorded to other wards with roughly the same or, in some cases, equal population, which didn't happen to be separate cities but are just as much their own communities, have just as much the same sense of shared values and shared interests — I know it would be a slight to the people of Guildwood and Highland Creek and Seven Oaks to suggest that their neighbourhoods are any different than Leaside and that they don't have the same rights and responsibilities and that their elected representatives on Metro council don't have the same authority and the same relative power.

After a lot of soul-searching, I genuinely came to the conclusion that I could not support this amendment. However, I will join with her in commenting on the transition team report next week and making other suggestions.

There is nothing cast in stone, as we've said many times before these hearings. If their proposals have not hit the mark the first time, we'll have lots of opportunity in the following 10 weeks to make sure that the recommendations that finally go forward, hopefully with the blessing of your party and the government — but at the end of day, the new council won't be beholden to any of that, perhaps. But I'm sure they would be more likely convinced of the merits of the case if it came with your endorsements and those of Mr Parker and other affected members.

I'm just going on faith that dealing fairly with all of the wards within Metro is the appropriate course of action. The legal ruling we've had here today, that this bill would not accomplish the goal that you hope, was the final straw, and that's why I will be voting against this amendment.

Ms Lankin: Mr Chair?

The Chair: On a point of order, Ms Lankin.

Ms Lankin: It's not a point of order.

The Chair: Mr Froese.

Ms Lankin: Oh, sorry.

Mr Froese: First of all, I'd like to commend all the members who work on behalf of their constituents in bringing their concerns forward. I think that's very important, and I would like to commend everyone for taking those concerns forward.

I have concerns with the whole issue in that this whole thing has been debated for quite some time. My riding is St Catharines-Brock, so you could say I have no interest. There's a good argument if somebody said that or that I don't have the same concerns on the issue. The concern I have is that if you make one amendment like this, then everybody else, when it has been done, can come and argue the case where we should have made others and it's just one big fiasco.

I've got to question the parliamentary assistant. He said this in his last comment, but I want to be sure that as far as the legal matter you brought up, as far as the advice you got from legal counsel, this amendment wouldn't make one bit of difference anyway, because it doesn't come into effect until after this election. The request is that the amendment goes through so that, as I understand it, there is one more councillor representing East York for this coming election for the next three years. I think the understanding was that it's a one-time deal except that the new council could determine that they could carry forward that representation. It's their decision after anyway, regardless. I suppose they could increase representation regardless.

As far as what has come forward, from the legal advice we've got now, the proposal or what is in the amendment, we couldn't even do that because as of January 1, 1998, this comes into effect. That's after, obviously, this November's election, and therefore this wouldn't help anyway.

Mr Gilchrist: To answer your question, yes, Mr Froese, that is the basis of the ruling, that it would not apply. Let me go further. We've certainly had no assurance from either of the two opposition House leaders that they are keen to cooperate in terms of third reading to this

or any other bill. So it's fair for Mr Silipo to say a section can be proclaimed early, but I'm sure he would agree with me that you can't proclaim bills before they are passed through third reading.

If there is no third reading between now, for example, and the nomination deadline, which is next week, then you have another problem. I would have to say it would be extraordinarily unfair. It's one thing for people to look at the slate of candidates, think that there are two who will win and say to themselves, "I'm confident that Mr X and Mrs Y are the front runners, and I don't believe it would be worth my while to run." If in fact you knew today that the top three would win, it may very well change the decision that a number of people in East York have about throwing their hat in the ring, because they may not believe there is a strong third-place candidate in the current race.

If in fact we've now proclaimed the bill after the nomination deadline, if the suggestion is that that's appropriate and that no one in East York had the right to go in and run for, in effect, that third spot —

Ms Lankin: You're making up a suggestion here.

Mr Gilchrist: No. I'm saying in a very practical sense that because there is absolutely no guarantee and not even a suggestion that this bill will have third reading before the nomination date, that's another huge variable that throws into it. The bottom line is that this bill would merely create a vacancy on January 1.

Mr Colle: We're ready to give it all-party support.

Mr Gilchrist: I thought you weren't going to be part of this sham, Mr Colle. I believe, unless the Toronto Star reporter is incorrect, you said you walked out and weren't going to be part of this any longer.

Mr Silipo: Let's end this crazy zoo and get on with it. Let's get to a vote.

The Chair: Are you finished, Mr Froese?

Mr Froese: I'm a little bit confused. You bring something else, Mr Gilchrist, too. You're saying that if this doesn't even get to third reading and passed before — when are the nominations?

Mr Colle: October 10.

Mr Froese: The cutoff date is October 10. If this doesn't get done by October 10, it won't work either.

1650

Mr Gilchrist: It would be another extraordinarily awkward situation that's created and I think would make it even less fair.

Mr Froese: So we've got two things. It's got to get third reading and passed and royal assent by October 10; and even if that happens, the bill doesn't come into effect until January 1. Again this whole amendment doesn't —

Mr Gilchrist: It may solve part of the problem, but as it stands right now it does not deliver on what Ms Lankin proposed.

Ms Lankin: I don't want to prolong this, because I think we've canvassed all the issues. I just have three quick points of response to Mr Gilchrist.

First of all, to suggest that one of the problems would be that people didn't come forward through the Bill 103

hearings with respect to this, I point out to you that the whole concept of community councils didn't exist until the amendments after the hearings and that people from East York in particular were much more focused on defeat of Bill 103 than they were on making it happen, and this is a suggestion in the context of making it work at this point in time.

Your argument with respect to other neighbourhoods in Scarborough, while I wouldn't at all denigrate the importance of those neighbourhoods and their sense of neighbourhood, I don't think it is appropriate to say that the ward of East York is only coincidentally a former borough. That's the very issue that we're talking about here in a period of transition and giving life to that identity.

I just want to address truly the legal issue and the issue with respect to third reading, because, Mr Froese, I don't think you're getting full information at this point in time. There is, first of all, a time allocation motion in place. Third reading is time-allocated. The government calls this bill Monday; we vote on it at 6 o'clock Monday. There's no way the opposition parties can stop third reading of this bill. Quite frankly, with respect to this amendment, if this is in there, you're going to get the cooperation of the opposition parties, because we want this to work. So that is not an issue, and I hope you will accept, understanding there's a time allocation motion, it is not an issue. It can be passed third reading. Royal assent is a signature, and that is done all the time.

The government has the ability to proclaim that section in advance. Even if they didn't, the fact is that the community would know and the announcements would be made that there would be three positions as of January 1, two who could take their seat immediately and the third who could take their seat as of January 1 through a process of resolution of the council approved by the provincial government.

You don't have to go that route, because it can be proclaimed in advance. This can be dealt with. Those are not strong legal arguments. I appreciate that you only received that advice today. I'm surprised in a sense, given that I provided the amendments weeks and weeks ago to avoid just that, but I do know from my time as a minister and having worked around problems like this with respect to bills when we get into the crunch, that this can be dealt with.

I would hope, Mr Froese, if you are inclined to support this on the basis of some fairness to a community that was once its own borough, it's not like every other ward in the new city, you will not take the arguments, the legal argument or the third reading argument, to heart.

Just before we move to a vote on this, I see that Mr Hastings has left and I would like to request unanimous consent for Mr Parker to be subbed in to be able to participate in the vote on this.

The Chair: Unanimous consent that Mr Parker be substituted for Mr Hastings. Agreed?

Mr Froese: I have a question.

Mr Flaherty: He's going to come back.

Ms Lankin: He can come back for the purpose of this vote.

Interjections.

The Chair: I'm trying to get unanimous consent here and everybody's talking.

Mr Froese: I guess I'm trying to understand unanimous consent.

The Chair: I heard a no.

Mr Froese: You can sub somebody on with unanimous consent in committee?

The Chair: Ms Lankin, I heard a no. There are a few minutes left. Are you finished, Ms Lankin?

Ms Lankin: Yes. I think there's nothing more to say, and quite frankly I would suggest at this point in time, given that the government just blocked the possibility of Mr Parker voting on this issue for his own riding, I don't know why we bother talking any more. Why don't we just vote?

Mr Gilchrist: The final point I would want to make on the record. I will assume the honourable member did not have a copy of the time allocation motion in front of her, but I would certainly want to correct the record on her behalf that the bill is not being ordered for third reading on October 6.

Mr Silipo: It can be.

Mr Gilchrist: That's not what she said.

The Chair: Mr Gilchrist, you can't correct Ms Lankin's statements.

Mr Gilchrist: I'm reading from the time allocation motion, if I may, "That the committee shall report the bill to the House on October 6." I just wanted to make sure that was on the record.

The Chair: Is there further debate? Mr Parker.

Mr Parker: Just briefly on the legal point, and I'm mindful of the clock, I would urge the committee not to allow the legal argument to influence their vote on the principle of this proposal.

First of all, I'm not suggesting that the legal opinion is wrong. I simply want to suggest that there's a possibility that it might be wrong, and it would be prejudicial of us here and now to assume that legal opinion is the be-all and end-all on this point. It may be that the opinion is subject to error or it may be that there is a mechanism for addressing the issue that is raised by the opinion. I just want to bring that point to the members of the committee to consider as they vote on this point.

I also want to suggest that even if the opinion is right, by putting forward the principle of this motion — I want to say that I was just as surprised by this legal point as everybody else. I didn't know that argument was out there or that it was going to be brought forward. If we proceed on the principle behind the motion and it turns out that the legal opinion is correct, then maybe there are steps that could be taken to amend the amendment to address the objection raised by the legal opinion. It's important that we get the principle forward for further debate and possible further amendment at third reading.

Just off the top of my head, maybe an amendment could be made so that — I guess the suggestions have already

been made that the provision be put forward that whoever comes in third be brought in at the first of the year. Maybe that's one way of doing it. Just because there is a legal opinion out there that suggests that this particular amendment in its particular form at this time might not work, it should not discourage members of the committee from voting on the principle represented by the motion. If there are legal problems with that principle, let's work those out between now and the vote on third reading.

The Chair: We have two more minutes.

Mr Froese: There are all kinds of conflicting information now. Ms Lankin brings forward that this can happen, this can happen and that can happen. There's no guarantee that any of it is going to happen.

Ms Lankin: Or that he's not right either.

Mr Froese: That's the whole point. There's no point that it's going to get third reading to end on Monday. There's no point. There's an assumption that's being made.

Ms Lankin: It is in the control of the government.

The Chair: Ms Lankin, Mr Froese has the floor.

Mr Froese: But that's an assumption that it's going to make.

Ms Lankin: You control it; we don't.

Mr Froese: You're making an assumption that there's a resolution by the transition committee that effective January 1 they're going to make a motion that allows a third person to be on council. I don't know.

Ms Churley: Steve, this is a dirty trick you've played.

Interjections.

The Chair: Are we finished?

Mr Silipo: A recorded vote, Chair.

The Chair: We've got time for a recorded vote.

Ayes

Colle, Sergio, Silipo.

Nays

Flaherty, Froese, Gilchrist, Munro.

The Chair: The motion fails.

Ms Churley: What a sham.

Ms Lankin: This next amendment is withdrawn, Mr Chairman.

The Chair: Thank you. Mr Silipo, you're the only one who can withdraw it.

Mr Silipo: I'll withdraw it, Chair.

The Chair: Ladies and gentlemen, we have now come to 5 o'clock. I trust you don't need me to read the sections in the time allocation motion. We all know the rules. We will therefore proceed with the continuation of the amendments pursuant to the time allocation motion.

Shall sections 119 to 123, inclusive, carry? Sections 119 to 123, inclusive, have carried.

There is an amendment on page 35. Shall that motion carry? It's a government motion. All those in favour? Opposed? That motion carries.

Shall section 124, as amended, carry? Section 124, as amended, is carried.

Shall section 125 carry? Section 125 is carried.

A government motion on page 36 for section 126. Shall that motion carry? That motion is carried.

Shall section 126, as amended, carry? Section 126, as amended, is carried.

Shall sections 127 to 134, inclusive, carry? Sections 127 to 134, inclusive, have carried.

I rule that the government motion on page 37 which amends section 135 is out of order for the same reason that I ruled with respect to the two New Democratic Party motions at the outset.

Shall section 135 carry? Section 135 is carried.

Shall section 136 carry? Section 136 is carried.

Shall section 137, which is the short title, carry? Section 137, being the short title, is carried.

There is an amendment on page 38 which is an amendment to the schedules. Shall the government amendment

on page 38, which is the amendment to the schedules, carry? That amendment to the schedules, as set forth on page 38, the government motion, is carried.

Shall the schedule, as amended, carry? The schedule, as amended, is carried.

Shall the long title of the bill carry? The long title of the bill is carried.

Shall Bill 148, as amended, carry? Bill 148, as amended, is carried.

Shall I report the bill, as amended, to the House? I will report the bill, as amended, to the House.

Thank you very much, ladies and gentlemen.

Mr Froese: The subcommittee report.

The Chair: No way. We'll deal with the subcommittee report next Thursday morning at 10 o'clock. I will adjourn these proceedings until that time.

The committee adjourned at 1703.

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Journal des débats (Hansard)

Jeudi 9 octobre 1997

**Standing committee on
general government**

Services Improvement Act, 1997

**Comité permanent des
affaires gouvernementales**

Loi de 1997 sur l'amélioration
des services

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 9 October 1997

Jeudi 9 octobre 1997

The committee met at 1006 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr David Tilson): Ladies and gentlemen, I think we'll start. We have a few more people to come yet, but we'll start because we've got a full slate today. This is the standing committee on general government and we are reviewing Bill 152.

You all have an agenda before you; you all have the report of the subcommittee before you. If I could ask Mrs Munro to read the report to us and perhaps make a motion.

Mrs Julia Munro (Durham-York): Yes. I move that we adopt the report of the subcommittee as follows:

That the committee will meet on Thursday, October 9, in Toronto, to hear deputations;

That the Minister of Community and Social Services and the Minister of Municipal Affairs and Housing be offered 30 minutes in which to make a joint presentation. Following their presentation, the two opposition parties will each be offered 15 minutes to ask questions and make statements;

That each party will supply the clerk of the committee with a prioritized list of the names and phone numbers of the deputants that they would like to hear from in any given location. These deputants do not have to be on the list distributed by the clerk to the subcommittee members. The deputants will be offered 15 minutes in which to make their presentation. Each party will be allowed to select one-quarter of the agenda for each day. The final quarter of the agenda will be filled with deputants randomly selected by the clerk from among the requests received by his office;

That each party must supply the clerk with their selections at least one week before the proposed deputants are to appear. Similarly, in order to be eligible for the above-noted random selection, deputants must contact the clerk's office at least one week before the committee is scheduled to hold its hearings in the desired location;

That any time remaining in a deputant's presentation will be used for questions from the committee. A party rotation will be followed. If time permits, more than one party may have the opportunity to question a deputant. If the deputant's time expires before all parties have posed their questions, the Chair will recognize the next party in the rotation to ask questions after the next presentation;

That an advertisement will be placed for one day in the major paper of each of the cities the committee intends on travelling to. Advertisements will be placed in both the English and French papers if possible. An advertisement will also be placed on the Ontario parliamentary channel;

That the committee will spend one day in the following locations during the recess: Toronto, Sault Ste Marie, Ottawa and London;

That the expenses incurred by a witness will not be reimbursed unless the request is approved by the subcommittee before the witness makes a presentation;

That ministry staff be present at all committee hearings in order to answer questions from the members;

That the Chair is authorized to begin each meeting punctually, even if all parties are not represented;

That the legislative research officer will prepare a summary for the committee and have it distributed by the fourth day following the end of the public hearings;

That the deadline for written submissions is four days after the end of the public hearings;

That there will not be any opening statements during clause-by-clause consideration of the bill;

That the Chair, in consultation with the clerk, will make any other decisions necessary with respect to the public hearings, travel or the clause-by-clause consideration of the bill.

The Chair: Thank you, Mrs Munro. The only issue that I'm unable to tell members of the committee at this stage is the specific days. We are trying to accommodate all three caucuses. I understand the House leaders are meeting this morning, and we will know more this afternoon as to the specific days on which we will subsequently meet. I'm suggesting that there be a subcommittee here in advance of our meeting, which would reconvene at 3:30 this afternoon, and the subcommittee would discuss that.

I would also suggest that obviously with travelling, to accommodate some of the communities that we're in the hours might be a little irregular. We might have to sit a little later. If we arrive later, we'll have to sit later. We would have to deal with that depending on when we're going to those specific communities and what the travel arrangements are.

Other than that, I have nothing to add to the subcommittee report. Is there any discussion? Mr Silipo.

Mr Tony Silipo (Dovercourt): Yes, just to express on the record our support for the last point that you made,

which was that there be some flexibility, community by community, to schedule, depending on circumstances, requests and obviously schedules in terms of flight arrangements etc. That certainly was my understanding from my colleague Mr Marchese in terms of the discussion at the subcommittee that came up with this report. I appreciate you reiterating that.

The Chair: Further discussion? All those in favour? The motion is carried. I would ask the subcommittee to reconvene here some time between 3:00 and 3:30.

SERVICES IMPROVEMENT ACT, 1997

LOI DE 1997 SUR L'AMÉLIORATION DES SERVICES

Consideration of Bill 152, An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda / Projet de loi 152, Loi visant à améliorer les services, à accroître l'efficacité et à procurer des avantages aux contribuables en éliminant le double emploi et en redistribuant les responsabilités entre le gouvernement provincial et les municipalités dans divers secteurs et visant à mettre en oeuvre d'autres aspects du programme «Qui fait quoi» du gouvernement.

STATEMENTS BY MINISTERS AND RESPONSES

The Chair: We are reviewing Bill 152, which is An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda. We have two ministers today to start off the proceedings, Minister Ecker and Minister Leach. Good morning. The floor is yours. I'm sure you have a routine to follow.

Hon Janet Ecker (Minister of Community and Social Services): Good morning. I'm going to start with some introductory comments and my colleague Mr Leach will carry on.

We are pleased to be here for the start of the public hearings on Bill 152, legislation that will allow us to move ahead with changes to provide better services at lower cost to taxpayers. One of the changes we need to make to do this is to sort out the roles of the two levels of government so that they are clearly defined between the province and the municipalities, so that taxpayers will receive services that are logical, accountable and affordable. That's the objective of our Who Does What initiative. That's what it's all about: the realignment of government roles and responsibilities.

As you know, last January, we announced many significant reforms in many different areas regarding this.

Those reforms were designed to deliver better government services at lower cost.

We had three fundamental goals in the package that we released in January: One was to reduce taxes by ending the spiralling costs of education; the second was to reduce taxes by reducing the duplication and realigning delivery of services between the provincial and municipal governments; and the third goal was to bring tax fairness through tax reform to the people of this province regardless of the municipality in which they live.

As you know, there were concerns presented to the original announcement by the association of municipalities and other organizations and individuals who expressed their legitimate concerns about the impact of those decisions. We listened to those concerns and asked AMO and the other organizations to come up with alternative solutions and ideas. The only condition was that any new package must meet the three goals as we laid them out.

On May 1, based on the proposals submitted by the Association of Municipalities of Ontario, we agreed to cut residential education property taxes in half and take on additional responsibility for funding education. This would take pressure off the property tax and give municipalities additional room to fund other services that we believe are best delivered locally.

On August 6, we released the preliminary figures that show the estimated costs of those Who Does What reforms. These numbers are a tool to help municipalities estimate their future costs and assist them in their decision-making. The numbers were not the final product. Further revisions will be made as decisions are made.

Since then, our two implementation teams have been hard at work to make sure that the transition will be a smooth one. One of the teams, co-chaired by the member for Chatham-Kent, Jack Carroll, and Terry Mundell, former president of the Association of Municipalities of Ontario, is looking at social and community health services. The other team, co-chaired by Mr. Mundell and the member for Oxford, Ernie Hardeman, is looking at all the other Who Does What changes.

Just a few days ago, on October 6, we released further financial information to municipalities to help them plan their budgets for next year. This represents the next level of detail on the numbers that were released in August. We promised that we would talk to each municipality about the numbers released in August, and we are certainly delivering on that promise. Ministry staff will meet the officials from municipalities over this month to review the packages line by line and to answer their questions.

Bill 152, the legislation before you, the Services Improvement Act, is the next step in the implementation of the Who Does What package. This legislation will allow us to move ahead with changes to provide better services at lower cost to taxpayers.

The services included in this legislation are child care, social housing, public health, land ambulances, GO Transit and on-site septic systems. This legislation would give municipalities responsibility for program delivery and funding in whole or in part for a number of local services,

effective January 1, 1998. Let me touch briefly on the changes this bill would make to one particular area, child care services. Mr Leach will be covering the other areas.

Under the Services Improvement Act, we are proposing to amend the Day Nurseries Act to make it mandatory for municipalities to cost-share and manage delivery of child care services within provincial standards. We have done this for two major reasons: First, because parents have told us that quality child care is a necessary support to getting and keeping those parents in the workplace; second, municipalities told us that we needed to improve our child care system. As cofunders and partners in the current child care system, municipalities said that child care could be provided in a way that would better meet local needs and local priorities if some of these changes were made.

First of all, at present child care is discretionary for municipalities. They can choose to cost-share fee subsidies and manage the fee subsidy system. Some do and some don't. Municipalities already deliver local services and many have experience in the fees subsidies area. This bill proposes to build on this local experience and to build on what I think has been one of the strengths in the child care system. By doing so, and by removing the existing duplication between the province and municipalities, the child care system will be simpler, more effective and ultimately more accessible to those families who need the support. By making it mandatory for municipalities to cost-share and manage delivery of child care services, over time children will have access to a wider range of services across the province.

We believe that communities are in the best position to design a system that meets their needs and the needs of their clients, so through these changes proposed in this bill, child care will continue to be provided locally. The local level of government will play a key role in managing the delivery of this vital service. This community-based approach to child care and indeed social services will give the local community more flexibility in decision-making to meet their local needs. However, at the same time, as I have mentioned, there must be province-wide standards. Provincial standards will remain in place to protect the safety of children and the quality of child care services.

To assist municipalities in meeting these new responsibilities, the province has already changed one of the regulations regarding how municipalities calculated their share of child care fee subsidy costs. We listened to the municipalities when they asked us to give them the flexibility they require to manage fees from parents. We did this to encourage municipalities to maintain their service levels during the Who Does What transition period and beyond. Municipalities now have more flexibility to offset their costs. In Metro alone, just to give you some sense of what this means, this change has resulted in an estimated windfall of \$14 million for them to use.

The province has already increased our spending commitment on child care up to \$600 million, the highest level in the history of the province. It's important to note that since our government was elected, the number of licensed child care spaces has grown from 128,000 to 137,000.

Over 3,500 new spaces have been created in just the last year alone.

As part of the May 6 budget we announced a new child care tax credit that will use \$40 million of that \$600 million, of the total child care budget, to assist lower-income working families. This means we are helping an additional 90,000 Ontario families with 125,000 children access child care. We've proposed this because we realize that child care is an important support to employment. We also will be allocating an additional \$100 million from the national child benefit next year to support this same purpose.

We are proposing changes that will benefit children and their parents. We believe the changes proposed in this bill in regard to child care will make these services more accessible.

1020

I'd just like to make a comment about the consolidated delivery agent, if you will, that is mentioned in this legislation. The act deals with what is called a consolidated delivery agent or consolidated service deliverer. These terms apply to those who will be responsible for managing the delivery of child care for all municipalities or unorganized territories within specified boundaries.

Under the legislation, we propose to reduce the number of delivery agents or those who are delivering the service in order to create a more accountable and effective service system. Again, this is something, when I did the child care consultation a year ago, that I heard from many municipalities. Smaller municipalities would combine their resources to deliver the services more effectively, and one municipality may well be delivering child care services on behalf of one or more of other municipalities.

It is also proposed that these delivery agents would be the same for social assistance and child care, to ensure streamlined and consistent delivery of social services, since those programs are extremely interrelated. By reducing the number of service deliverers, the people of Ontario will benefit from more efficient service, less duplication and waste and, ultimately, lower taxes.

We're untangling the system, improving services and making things work better for the people of Ontario. By looking after the needs of Ontario's children through these proposed changes in child care, we believe we are making a sound investment in our future. This services improvement bill is one way we are laying the foundation for a better tomorrow by investing in that future today.

I certainly look forward to any suggestions from the members of this committee or the public as we go through the process to improve the legislation you have before you.

I'll now turn the floor over to Mr Leach.

Hon Al Leach (Minister of Municipal Affairs and Housing): My thanks to my colleague Janet Ecker. Janet has put the bill into the context of the government's Who Does What initiative and has spoken to you about child care services.

Another key piece of the legislation is social housing. The legislation we are proposing includes measures that would improve and strengthen the system of social hous-

ing in Ontario. Social housing is one of the community services needed by low-income people that can be better provided at the community level. Social housing should be provided locally. It should also be integrated with welfare and health service delivery at the community level to make the entire system work better and to provide better service to the people who need help.

Currently the Canada Mortgage and Housing Corp and the province share many of the costs for social housing. This includes costs associated with the Ontario Housing Corp, non-profit and cooperative housing and rent supplement programs.

There are 274,000 social housing units, of which 200,000 are rent-geared-to-income and the remainder are units rented at market value. The total annual subsidy is just under \$1.45 billion, of which \$905 million is contributed by the provincial government and the remainder by the federal government.

Under this bill, the province will collect the provincial share of social housing costs from municipalities as of January 1, 1998. That's the date when municipalities stop paying 50% of education costs. The federal contribution will still go to pay for social housing.

This legislation is the first stage of a three-stage process, because it would allow the government to bill the costs of social housing to upper-tier municipalities, separated cities and district welfare boards in northern Ontario as of January 1998. This approach will ensure simplicity and it will be consistent with billing practices for other services, such as social assistance.

The second stage is well under way and involves discussions with municipalities and stakeholders on the reform and devolution of the social housing system. We intend to reform social housing programs to make them easier to administer and better meet the needs of lower-income families before they are transferred to municipalities. On June 5, I announced the creation of an Advisory Council on Social Housing Reform to provide recommendations on how to improve Ontario's social housing system to make it simpler, more accountable and more cost-effective.

It has been obvious for a long time that the social housing system is broken. There has been a broad consensus for many years among tenants, housing providers, municipalities and the province on the need to reform social housing programs. On September 2, the advisory council released its report. The report of the advisory council gives us an excellent starting point for the reform of social housing. As a result of their work, many promising recommendations have emerged. We hope to announce our response shortly.

In preparation for the transfer to the municipalities, we have budgeted \$215 million to repair social housing buildings. This is over and above the \$100 million in annual funding for ongoing repairs.

When municipalities take over the reins of social housing, it will be a better system and a less costly system. In the meantime, we will continue to look for efficiencies.

We believe we can find an annual 2% in efficiency savings beginning in 1998.

The third stage will involve a period of between two and three years when the administration of social housing will gradually be transferred to municipalities. We expect to complete the transfer of the administrative responsibilities of the improved system to municipalities by the year 2000. The transfer of responsibilities makes sense. We want social housing more efficient and effective and we want to improve access for people who need help with their housing.

I want to stress two things that this bill will not do: One, it will not have any impact whatsoever on the tenants of social housing and, two, it will not have any impact whatsoever on the operating agreements between the housing providers and the Ministry of Municipal Affairs and Housing.

The next issue is public health and land ambulances. As of January 1, municipalities would assume 100% funding responsibility for public health programs. These services will continue to be delivered locally, where they can be tailored to meet local needs while maintaining provincial standards.

This legislation will provide direction on how municipalities will fund programs and share costs in multi-municipality health units. Mandatory health programs will continue to be delivered by local boards of health. The province will continue to set program standards for each program and will monitor and enforce these standards.

The mandatory public health programs are currently under review and consultations with stakeholders are presently taking place. The final version will be available to the municipalities and their boards of health prior to January 1998. Municipalities will have added flexibility in delivering mandatory public health programs as long as provincial standards are met.

The three key program areas that municipalities will be required to deliver by legislation are chronic disease prevention, infectious disease control and family and child health. The province will retain responsibility for overall disease surveillance and provide vaccines for immunization programs. In addition, the province will continue to fund certain programs such as the Healthy Babies, Healthy Children program, which will help children at risk and provide them with the needed community supports.

Municipalities will assume 100% funding responsibility for land ambulance services beginning January 1, 1998. Funding land ambulances gives municipalities more flexibility to look at integrating their emergency services to better serve their communities. It gives them the opportunity to find ways to better integrate services such as firefighting, police and ambulance, or ambulance with other health and social services. The province will continue to licence and set standards for the delivery of land ambulance services.

The government will continue to work with municipalities to ensure that public health programs and land ambulance services remain accessible and consistent for all Ontarians.

The next issue is GO Transit. The Who Does What initiative recognized that GO Transit service primarily meets local and regional transit needs. It recommended that this responsibility should be transferred to the municipalities served by GO Transit. The benefit will be that GO Transit will be more accountable to local communities. The delivery of GO Transit at the municipal level will also encourage greater integration of transit services across the greater Toronto area.

1030

We are currently exploring a number of options for the structure of the municipal governance mechanism for GO Transit, such as the Greater Toronto Services Board. This legislation proposes to amend the Toronto Area Transit Authority Act to enable municipal funding of GO Transit for the interim period until a permanent municipal governance mechanism is in place.

Taxpayers from every region of Ontario currently subsidize GO Transit's operating and capital deficit by approximately \$110 million a year. The proposed legislation would create a mechanism for these costs to be shared by the regions that benefit from GO, the regions of Peel, York, Durham, Halton, Hamilton-Wentworth and the city of Toronto. My colleague the Minister of Transportation is consulting with the affected municipalities to develop a cost-sharing formula. We intend this to be a simple, equitable method of cost-sharing to allow GO Transit to meet its capital and operating requirements. The regional chairs, who sit on the board of directors, will continue to have a say in the operation of GO during the interim period.

Next, Mr Chairman, is septs. This legislation proposes that the provisions of the Environmental Protection Act regulating smaller onsite sewage systems be transferred from the Ministry of Environment and Energy to the building code, which is administered by the Ministry of Municipal Affairs and Housing.

Municipalities would be responsible for the approval and inspection of smaller onsite systems. This would streamline service through a one-window approach to homeowners and to builders. The building industry and the public would only have to deal with one permit, one code, one appeals process and one ministry for smaller on-lot septic systems. This would go a long way to reduce red tape and the regulatory burden on businesses. It would simplify municipal enforcement and provide opportunities for cost savings through the coordination of approvals and inspections.

Large scale septic systems, communal systems and hauled sewage systems would continue to be a provincial responsibility.

Given ongoing discussions regarding northern service delivery, responsibility for enforcing standards for onsite sewage systems in northern municipalities or unorganized areas will generally remain with the existing delivery agents.

The rules governing septs would be strengthened to protect public health and the environment.

The government will continue to work with the municipal sector, through the provincial-municipal implementation team and the social and community health services implementation team and others to ensure a smooth transition to the new provincial and municipal responsibilities.

The government has been firm in its commitment to end the confusion that surrounds who is responsible for what. We said that we would eliminate waste and duplication. We have said all along that we believe the level of government that delivers a service is the best level of government to operate it.

This bill takes the next step in implementing the Who Does What package. It provides a legislative framework for the funding arrangements we outlined on May 1 and the primary changes in municipal costs and revenues announced on August 6.

Mr Chairman, we are confident that these changes will lead to better services and more efficient and accountable government. We are working together with municipalities towards a common goal of less burden on the taxpayer.

The Chair: Thank you, Minister Leach and Minister Ecker. We now have an opportunity for questions. Mr Colle and Mr Silipo, you each have about 10 minutes.

Interjection.

The Chair: Yes, we're behind time. I know we did. Mr Colle, you have about 10 minutes.

Mr Mike Colle (Oakwood): I notice in the subcommittee report it said we have 15 minutes.

The Chair: Yes, you do, if you want to hold up the other delegations, which start at 11. But if you want to take your full 15 minutes, we did agree to that. It means that delegations will have less time to speak. I would suggest each of you has 10 minutes.

Mr Colle: Thank you, Ministers, for coming today. First of all to Minister Ecker, in terms of social service delivery, welfare delivery, I know that in the past GWA was delivered by the municipalities and family benefits is basically a provincial responsibility. In the changes that you've made, how is it simpler? How is it clearer? It seems that you still have a mishmash of programs that are delivered by both municipalities — like your new Ontario Works program, your new Ontario disability support programs. I don't think the public understands who's in charge of what: Where do you go to get welfare now? Who's paying for it? Who's administering it? How is it clearer than it was?

Hon Mrs Ecker: There's no question that the public doesn't know who funds what, who delivers what in the current circumstances. The aim here is to simplify as much as possible in the social service area. It's a very complicated area, so you're never going to get ultimate simplicity, as much as everyone might wish to do that. So how we are improving the system — because right now you had in effect two welfare systems. You had the municipalities delivering general welfare, sort of short term or single employable, and you had the province delivering what they call family benefits, which is long term, sole-support parents, people with disabilities.

So you've got two systems. There was an awful lot of duplication, bouncing people back and forth, people having to go on the one system in order to get access to the second system. There was a lot of duplication and waste, frankly, and I don't think it made the system work as well as the people who need those services deserve it to work.

We are transferring the delivery of the entire welfare program. There will be one welfare program, delivered by the municipal level of government. There will still be cost-sharing, 80% provincial, 20% municipal, because I believe both levels of government have a role in the social service network in this province.

The municipalities have proved that they deliver very well. That's one of the strengths of the system. They've been involved in delivery and cost-sharing for many, many years. We want to build on that local delivery, but at the same time we can't expect them to bear the financial burden alone. The province needs to be part of that. That's why we are continuing 80%. At the same time, there's a legitimate role for province-wide standards, because I don't think we want a patchwork of standards in the social service network.

Mr Colle: Let me give you one example where I think there's confusion: your new Ontario disability support program, which people who used to receive family benefits now will be shifted to. Do you believe in the principle that if you pay for something, you should have a say in it?

Hon Mrs Ecker: Certainly. That's something we've done in the Ministry of Community and Social Services for many years and we'll continue to do so.

Mr Colle: But in this program why have you not done it? Why, for instance, have you basically kept the control of the administration of that program provincially, yet 50% of the administration costs are borne by the property taxpayer? Why wouldn't you let them have a say if they're paying for it?

Hon Mrs Ecker: First of all, property taxpayers currently pay 50% of administration costs for GWA, so they are already focusing and they are already sharing administration costs for the GWA caseload. The reason the disability program is not yet transferred to the municipalities is because, as you know, that is outlined in Bill 142. That program is not yet set up and functioning, and in order to ensure that people with disabilities do not face any difficulties as they're transferred to the new program, those that are on FBA, we think it's fair to get the legislation going, get the regulations established, get the program up and running, and then make the decisions about delivery. In the short term, we want to keep it as provincial until the program's up and running. It may well then be municipal delivery.

On the point of pay for say, the entire Bill 142, which is where the welfare changes and the disability changes are, as opposed to Bill 152, has been developed in consultation with the municipalities. We have municipal-provincial working groups that have guided us all the way through the policy development of our welfare reforms and the disability program. We have the implementation

teams, as my colleague Mr Leach and I referred to, and that will continue.

Mr Colle: Sorry, I'm going to have to just interject because my time has been shortened and I've got two ministers here for 10 minutes.

The other key question is, there used to be a cap. When GWA went over 4% of the population, the ministry came in provincially and gave more money. In Metro it happened in 1990, when welfare went up, so the municipality wouldn't be swamped, as Metro and a lot of cities were during the recession. In this legislation there's no protection for that. In other words, if there's a flood of people going on the welfare rolls, there's nothing in this bill which reinstates that cap or protection for municipalities just in case we have another severe recession. Why have you not included this defence mechanism in this bill?

1040

Hon Mrs Ecker: As you'll recall, when we did the January announcement, when we talked about a 50-50 sharing, we set up a special social assistance reserve fund whose purpose would be to protect and support municipalities should there be that kind of problem in the future. In the negotiations with them, when we came back with the revised funding formula, instead of sharing 50-50, they were comfortable coming back to 80-20 and not having that reserve fund. That was one of the compromises that was made.

One of the things, and why we worked so closely with the municipalities on setting up the legislation, is to make sure that we have maximum control of the costs, because if we are to have a recession like we've just come out of, whether you're a property taxpayer or an income taxpayer, that's a big cost for you as a taxpayer, whatever taxes you are paying.

Mr Colle: Are you telling me the municipalities didn't want to have this cap like they used to have at 4%? Did they ask you to remove the cap?

Hon Mrs Ecker: When we came forward with the 50-50, we had a whole separate fund. When we finished the discussions — they didn't want to do 50-50, which was fair — when we went to 80-20, that was one of the accommodations that was made in consultation with them and they were comfortable with that.

What we are also ensuring with the standards for the administration and delivery of the program is that both the municipalities and the province can have the control they need to keep those costs down.

Mr Colle: But again, why wouldn't you have the safety mechanism in there so that the provincial government can help out if we do happen to have a recession again like we had in 1990? If we ever do have a severe recession again, some of the cities are going to be swamped or are going to be putting welfare recipients against the ordinary taxpayer, because there's no protection. Yet in the past this seemed to work. In Metro it certainly worked in 1990, where the province came in with 90% funding. I don't understand why that protection wouldn't be there.

Hon Mrs Ecker: I suggest that if we were to go into a circumstance like that again in the future, the province has always been there to financially back up municipalities and I wouldn't foresee a government that would want to change that policy in the future.

Mr Colle: I'll move on to Minister Leach. This morning there's a very interesting letter to the editor, an op-ed piece, by your former Deputy Minister of Housing, Shirley Hoy, who's now the chief administrator of Metro. She talks about the impact of your downloading of social housing on to the municipality. I'll read to you what she says. As you know, she was also commissioner of social services and former Deputy Minister of Housing.

"The impact of the social and health programs being transferred to municipalities is profound in its scope, size and complexity. There are many hidden costs and additional responsibilities. The most troubling aspect, however, is the fact that control of program administration will not be handed over at the same time as municipalities are required to pay the bills, starting January 1998. How can municipalities achieve the 2.3% efficiency savings per year...if they do not run the systems right at the start of 1998?"

She also says, on social housing, "Metro and other municipalities have consistently argued that funding and program responsibility for social housing should not be transferred from the province to the municipalities."

Here's your former deputy minister saying emphatically that you shouldn't be doing this and also saying that the timing of this thing, where they're going to have to pay but they can't control it, is going to make it very difficult for them.

I'm trying to find out, and I think you've been asked this before, what do you base this transfer on? In other words, are there studies? Who recommended the transferring of social housing on to property taxes? Where did this decision come from? I know David Crombie also said that this was wrong and devastating to do. Where did the genesis or the origins of this dramatic shift, the downloading of social housing on to the property taxes, come from, especially when your own Deputy Minister of Housing is emphatically saying it's a big mistake? Where did this come from? Can you give us a study, a series of reports where it came from? Who recommended it? Another civil servant? Where did it come from?

Hon Mr Leach: Actually, I think it's recognized at the senior levels of government. The federal government, for example, is taking the same action. They've recognized that social housing should be administered as close to the local scene as possible. The federal government is recommending that social housing be devolved down to the provincial level and we are devolving it down to the municipal level.

Most major municipalities now have social housing programs and social housing agencies. You know that the city of Toronto has Cityhome. There is MTHC. Peel has Peel Living. Ottawa has a major undertaking in social housing. They operate and administer those programs now.

Mr Colle: Yes, but without provincial funding they wouldn't be able to do that. Now you're taking the provincial funding out, remember.

Hon Mr Leach: Yes, but we're also taking \$2.5 billion off the property taxes, getting rid of half of education. That gives them the room to fund the \$905 million for social housing.

Mr Colle: But the very principle of offloading a social program —

The Chair: Mr Colle, very quickly. You're already over time. Please.

Mr Colle: Just the last question: The very principle of offloading a social, income maintenance program as big as social housing on the property taxpayers, do you agree that's where it should be?

Hon Mr Leach: Social housing started at the municipal level. Social housing has always been a municipal initiative. It's only in the latter years, a matter of a couple of decades, that the federal and provincial governments have become involved. Social housing started —

Mr Colle: You think it should be there then.

Hon Mr Leach: It should be there.

Mr Silipo: I don't think it will surprise either minister to hear me say that we believe — I certainly believe as an individual and we in the New Democratic Party believe — that this legislation and the other piece, Bill 142, that deals more directly with social assistance and all of the other pieces that we have been dealing with as a Legislature around this whole Who Does What exercise have much less to do with, as the minister said, realigning government roles and responsibilities in Ontario and have in fact, in our view, much more to do with downloading on to the municipal tax base the costs for many of these services.

I don't have to point anywhere other than just a recent reaction that there has been to your release, ministers, of the numbers, as you call them. You've talked a lot about this in your remarks, about the fact that you provided the numbers that you said you would provide. If that's what you've done, then I think it's fair to say that people were expecting different numbers or were expecting numbers that would give them a clear sense of what would actually happen.

There is still a lot of unhappiness out there, that you know of, from municipalities simply because they aren't able yet to figure out with any degree of clarity that this will be an even trade. The Minister of Municipal Affairs and I have been through this dance before in discussions on other bills, but that remains in our view the fundamental issue that the government is still refusing to address. I want to come back to that and ask a couple of questions.

When I look at the changes that are made on the child care front, yes, I think it's good, minister, that you're saying municipalities should in fact have a responsibility; they shouldn't walk away from that responsibility in terms of the organization and the running. But in the mix of things I think you've taken the wrong direction on this. I think that child care is in fact one of those services that should have been brought up to the provincial level in

terms of funding, or maintained there, not pushed in the way that you are doing, because you will create a problem in the mix that you're creating.

I think that with respect to public health and ambulance services, we're going to see a royal mess. We're going to hear more about that later today in the deputations that are to come so I'll wait to hear more on that. But in the relevant sorting out of responsibilities in that area, you're going to create more confusion. You're going to set up a situation in which the government is going to reap the benefits of the savings from the hospital closings, where you're going to shift on to the municipal tax base real pressures in terms of the increase in ambulance services that there will be as a result of the closure of some of those hospitals. You're going to put incredible pressure on municipalities to balance their responsibilities to the public.

1050

On GO Transit, again I say that we're still waiting to hear what you're going to do with the GTSB, and I want to ask you about that, if I get a chance.

On the septs, yes, I think the notion of saying there should be one-stop service sounds good, but at the end of the day I guess our main concern on that is, what's going to happen to some of the environmental concerns and are those going to go by the wayside?

Let me just try and cover as many of those areas as I can in questions but start with what I think is the fundamental issue, which is the downloading of costs. You know, ministers, better than I that there are very few people out there who actually believe — put me aside on this one, put our party aside on this one, but there are few people out there among the local politicians, the local citizens' groups, any category you want to use — that this is going to be an even trade. We've heard you say, "Yes, that's what's going to happen." We've heard your Premier swear on his pinkie that's what's going to happen.

I just have a question that I've asked you, Minister Leach, before and I'd be happy to hear a response from either of you here today, and that is, if that's the case, if you're so sure this is going to be an even trade at the end of the day, then why do you refuse to put the Premier's pinkie guarantee right into the legislation? Why won't you write a clause into this bill or any of the other bills that says either that this will be a zero sum at the end of the day, there will be an even trade, or to absolutely guarantee, not through your words but in the law, that if there is any shortfall, the province will pick that up municipality by municipality? Why do you refuse to do that?

Hon Mr Leach: I don't think it's necessary. If we say it's going to be revenue-neutral, it will be revenue-neutral. If this government has anything going for it, it's that if we say we're going to do something, we do it. We have on everything in the past and we will on everything in the future.

Presently, with respect to it being revenue-neutral, we plan to have a series of meetings around the province — the first one is starting today in Frontenac — where we're going to go over line by line and item by item with the

municipalities to show them how the numbers were developed and discuss with them the assumptions behind those numbers, so that everybody understands how and why this can be revenue-neutral.

Mr Silipo: Minister, if what you're doing is based on the notion that people believe you're going to do what you said you're going to do, then you're living in a completely different world than the rest of the province, because you have to look at nothing other than what's going on right now in the area of education to know that —

Hon Mr Leach: We're doing what we said we were going to do.

Mr Silipo: That's fine. Then maybe you're admitting what your Minister of Education is refusing to admit, which is that you're going to take another billion dollars out of the system, because that's what he said a year ago he was going to do. Now he seems to be waffling around on that, but what you did say to the people in the election was that you were going to maintain classroom funding, and you're not doing that.

Hon Mr Leach: We never said that.

Mr Silipo: You know, people know and people are seeing through this farce that you're not doing what you said you were going to do, except for maybe in the one area of the tax cut, and there I have to agree with you. You are proceeding with the 30% income tax cut, and I've said all along that I believe if there's one promise your government is going to keep, it's going to be that. But the cost of doing that we now are seeing through pieces of legislation like this one —

Hon Mr Leach: — the benefit of doing that.

Mr Silipo: I don't know that too many people that I talk to on a day-to-day basis are seeing very many of those benefits. When I ask people how much of the benefits of the tax cut they've noticed in their pockets, they haven't noticed a heck of lot, Minister, but what they have noticed is that the lineups in terms of health care are getting longer, that the classroom sizes are going up, that various services are getting worse than they were before. That's what they're noticing, Minister.

Hon Mr Leach: Welfare cases are going down; there are 200,000 fewer people on welfare. Employment is up. The economy is —

Mr Silipo: That's what they're noticing, Minister. You can try to spin it any way you want, but the reality is that's what people are seeing and that's what people will remember they're seeing at the end of the day.

Hon Mr Leach: The place is booming, Tony.

Mr Silipo: The place is booming?

Hon Mr Leach: Yes. Housing starts are up. Jobs are up.

Mr Silipo: Yes, housing starts are up and we're all happy that housing starts are up. I don't want to deny that some of those things are happening.

Interjections.

The Chair: Mr Silipo has the floor, please.

Mr Silipo: Thank you, Chair. Yes, the economy is improving. I'm not going to pretend that it's not, and I'm glad that it's improving. All right? The question is, how

much of that can we put to the credit of the government, but more significant —

Hon Mr Leach: All of it.

Mr Silipo: Well, of course from your perspective, all of it, Minister Leach, but more significant I think is the question of what is actually happening out there to the average family. You know as well as I do there's still a high level of unemployment. We can talk about all the improvements in the world, but if people don't have jobs and people aren't able to take care of themselves and their families, then in my view and in the view of many I don't think that's particularly significant improvement.

But let me get at a couple of the other specific pieces that are in this bill. Maybe, Minister Leach, you could just give us a sense of what is happening with the GTSB because you mentioned it in your comments. You had given us the impression earlier on in the year that this was going to be something you were moving towards.

While I have some qualms about some of the things you've done, and I believe you've done it backwards, it's certainly a direction that I think is useful, but I want to know that it hasn't just disappeared, because particularly in the context of GO Transit as it is here in front of us on this piece of legislation, you can understand the nervousness out there when you say to people, "We're going to sort out this formula and then it's going to be shifted over to the GTSB," but nobody knows when the GTSB is going to be up and running. Is it fair to say that it's not going to be in place for January 1 at this point?

Hon Mr Leach: We're in the process of coming forward to government with recommendations on how the GTSB would be established. As you know, Milt Farrow produced his report and tabled it in August. We have been working with the recommendations and working with the various stakeholders, the existing regional governments and the existing governments within Metro to make sure everybody agrees with the direction we intend to go.

There will be a Greater Toronto Services Board established and it will be established early in the new year. I expect that you will see in the House later this fall legislation dealing with it.

Mr Silipo: I'm happy to hear that, Minister. I think that's useful.

The Chair: Mr Silipo, you're over your time, if you could wind up, please.

Mr Silipo: Then I'll just leave it at that.

The Chair: Ministers, thank you very much for coming and making your presentation to the committee.

That concludes the presentations of the ministers and the statements and questions from the opposition parties.

ONTARIO AMBULANCE OPERATORS'
ASSOCIATION
AMBULANCE SERVICE ALLIANCE
OF ONTARIO

The Chair: We will now start the presentation from members of the public. The first presentation is from the

Ontario Ambulance Operators' Association, Jim Price, executive director, and Dean Henderson, president.

Mr Colle: Is it 15 minutes for each one?

The Chair: Yes.

Someone tells me I have one of the names wrong and I see a third person, so I trust you'll correct all of that. Good morning, gentlemen. You have 15 minutes for a presentation, which could include questions. Perhaps you could identify all of the speakers, please.

Mr Jim Price: Thank you very much, Chair and members of the committee. Bringing forward the particular aspects of our concerns this morning in the 15-minute time frame is difficult enough, but explaining to the two presidents why my name appears on the agenda with such clarity and why one of theirs is incorrect and the other is missing is the task that I'm going to have for the balance of the day.

Ron Liersch is president of the ASAO, the Ambulance Service Alliance of Ontario. On my left is Dean Wilkinson, who's president of the Ontario Ambulance Operators' Association. My name is Jim Price and I'm the executive director of that organization. These groups are in support of this combined presentation this morning.

We've provided you with a template of our presentation. However, I hope my oral comments will serve to provide a little shading on these issues. Looking to that template, I would note most importantly that there are currently 162 providers in the province that are not part of the Ontario public service, of which 127 belong to one of our two associations, the balance not belonging to any particular organized group.

The introduction of Bill 152 produces and proposes significant changes to the ambulance industry as we've come to know it. We support the initiatives of the government, but share many of the concerns of our municipal partners with its implementation. It is our hope that through this committee our government will hear our concerns and commit to resolving them prior to entering into what has been described inside as the protection period.

1100

This morning I'd like to talk to three what I've called "business issues." The aspects of our response really involve two sections: One is business and the other would be the specific issues in the proposed legislation. The first issue comes from that legislation and it really spawns the other two and has to do with what we're calling "expropriation."

There are three main business issues here and they are driven by this proposed legislative change which would see the municipalities no longer required to compensate licensees for taking over their business. We recognize that this move has been imposed on the municipalities by these proposals and the provincial government. However, the compensation requirement has been a part of the Ambulance Act since its inception nearly 30 years ago. Bill 52, we maintain, proposes to remove this element of essential fairness simply because it stands in the way of what the government proposes to do.

The legal relationship between the provincial government and the current licensees is one of contractor. The financial relationship see the licensees receiving a capped fee under a formula based on volume. As well, the licensees are reimbursed for actual expenses required to operate these services. These budgeted funds are auditable. The licensee may be charged back for budget overruns, for disallowed expenditures or for errors made which inspire penalties. I submit to you that this is a business in a very real sense. These licensees are not employees of the government.

Many of these businesses have been in operation for 30 years, some for nearly 60 years. They've been bought and sold and always licensed. Our people can't be expected to just walk away.

I would take you, if I may, to tab 2. Under the section that says "with the proviso," it speaks to the way the act is now:

"The municipality shall pay to any person required to cease operating an ambulance service...such sum of money by way of compensation for the value...as is consistent with the principles of law and equity."

The proposal, on the next page, would say:

"No action or other proceeding for damages or otherwise, despite section 2 of the Expropriations Act, no claim for loss of business or goodwill...shall be instituted against an upper-tier municipality."

It is the position of these parties that the proposed change is contrary to the principle of fairness and equity found at common law. The proposed wording would be bad enough, but it goes further, by striking down the part of the legislation on which the operators relied to create and operate their businesses.

Bankers would have never granted the business authority to borrow if the business could be expropriated and bankruptcy induced by legislation. We call upon the government to address and negotiate compensation in an amount and by the means set out in the current legislation.

Spinning from that comes what we've chosen to call "residual employer liability." Operational expenditures are closely monitored by the government. Invoices above a certain level are pre-approved. Wage rates are set through central bargaining to a concept of which the government is a partner. Operators are not allowed to establish trust funds for contingent liabilities but rather are required to leave them unfunded until such payment is made. This regularly happens when long-term employees retire. Generally, successive employers have assumed responsibility and the government has funded a new employer for this.

Now we find ourselves in the position that, through whatever means, our providers may be denied the opportunity of continuing in business. Should that occur, our employees and their unions will call upon the employer to fund such things as severance, unpaid vacation, sick time or other entitlements. In this scenario, the provincial government will no longer be the funding source. The municipalities will have inherited some many millions of dollars of such liability. It is a defensible, measurable debt which must be addressed.

We are proud of and support our employees. We want to continue to be the providers and we want to bring our employees with us. We call upon the provincial government to fund these contingent liabilities prior to the shifting of responsibility to municipalities.

Finally, of a business issue, I would speak quickly to long-term leases. Our position on funding the balance of long-term leases is similar and understandably difficult. Every situation in life where a long-standing arrangement is changed leaves some unfinished business. One of the key requirements of holding an ambulance service licence has been of course the provision of adequate facilities. Over the years the Ministry of Health has taken an increasing role in the setting of size, standards, provision of optimum floor plans, very specific requirements regarding location, even the right to refuse relocation.

Prior to construction or entering into a lease, the ministry commissions the Ontario Realty Corp to review facilities, grounds and the neighbourhood to confirm a fair market lease. Such specialized buildings and industry-specific locations are often extremely inappropriate for any other use. Although the facility leases are not the only examples of such long-term leases, they recognize the most significant dollar liability.

These gentlemen with me today and their associations maintain that it is unjust to suggest that, after exercising full power of approvals at all stages, the government did not have its hand on the pen at the end. When the ministry representatives required, reviewed and signed all the approvals, they also had effectively signed the lease. The licensees expect the provincial government to honour its well-established business arrangement and fund these leases through to their completion. Landlords and mortgage holders are involved. We need confirmation of this commitment in writing.

Turning from those business issues to what would be found as item number five. A specific list of our concerns is included at tab 3, entitled "Position Paper." The printed material that's there includes a paper that was developed and circulated by one of the associations present here today. As the world continues to evolve, these associations are meeting, even as we speak, to prepare a unified response representing the entire industry. This will be provided to the committee members shortly.

With the issue of who is doing what, our points, I believe, are quite simple. We know that beginning in 1998 the municipalities will assume overall funding and those responsibilities. Interestingly enough, the province will retain control of dispatch and direct activities of providers. The province will continue to set standards in care, equipment, service, performance and issue licences. The province will, as a third party, empower its employees, in proposed changes to the act, with the right to inspect, investigate and audit contracts — which, in fairness, are between the municipality and the provider they choose — with the apparent result being again that the province keeps the say without having to pay. I suggest to you, as time goes on and we're working our way through these difficult decisions, the providers cannot serve two masters.

The second issue is the protection period. Generally during that period, January 1998 through 1999, the providers will continue to provide service and ideally use that time to work with the municipalities to look at new and innovative ways of providing service. But provincial oversight entails regular and multiple reporting requirements — multiple. How can our providers be expected to work with their municipal partners in preparation for what's going to happen in the new millennium and the years after 2000? The providers have no information on how the upper-tier municipalities will work. They are unaware of what the municipalities will consider to be adequate coverage or preparedness.

We have what we feel to be, and have shown in our position paper, conflicting terms. With the increasing power that stays with the provincial government in the bill, I'm afraid we're at the mercy of others and those in the bureaucracy to set out the framework for future operations yet to be revealed in regulations. We maintain that the development of these regulations must have input from the stakeholders.

It is crucial, we believe, that the industry needs the protection period to develop a supportive partnership between the current providers and the municipalities. Having the province act as an agent for these two years maintains a wall between the future partners. We hope that as a committee you will assist us and encourage municipalities, as we do, to be empowered to take their responsibility at the earliest possible time.

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Finally, the summary, and I'll take it directly from my handout. The ambulance service licensees in Ontario have a history of providing quality, professional care to our citizens. We understand that the change in responsibility for funding ambulance service was part of a multi-disciplinary decision which involved a municipal-provincial exchange of responsibilities. We state with the strongest conviction that the reason for change had nothing to do with the efficiency or deficiency of the current providers or their employees. For the last few years, many groups have lobbied the party in power for changes. The focus of our group has been the return of the industry to the hands-on management of the providers.

With the assistance of this committee in examining our specific legislative concerns and the stabilization of the current providers and their staff through the fair resolution of our business concerns, we believe that a smooth transition can be made in moving ambulance service from a provincial to a municipal responsibility in an efficient and effective manner. We ask that from you.

Finally, and know this most assuredly, if we disagree on all matters before us today, this must be our common goal: For the people in and of Ontario we must continue to develop a world-class, pre-hospital-care delivery system. High performance, emergency medical service is the way. Together we must ensure that the providers have the legislated means, financial support and opportunity to save lives. We urge you to read and consider the written

material. Thank you, Chair, for this opportunity to address the committee.

The Chair: Gentlemen, thank you very much for coming. We do have your material and we will read it. Unfortunately, we are out of time. Thank you very much for coming and making your presentation to us.

I'm going to suggest to members of the committee, if there is time for questions, and there's one question, we'll go on rotation, starting with the Liberals. We'll wait and see how the day unfolds.

ONTARIO MEDICAL ASSOCIATION

The Chair: The next presenter is the Ontario Medical Association, and I have two presenters: Dr John Gray and Dr Ted Boadway. Good morning, gentlemen. Thank you for coming. As you know, you have 15 minutes to make a presentation to us.

Dr John Gray: Thank you, sir. We appreciate the opportunity to address the committee. My name is Dr John Gray. I am the president of the Ontario Medical Association. With me is Dr Ted Boadway, who is our executive director of health policy.

Bill 152 deals with many issues. Our interest is in schedule D, the amendments to the Health Protection and Promotion Act allowing for the downloading of public health to the municipalities.

Much attention has been given to the downloading of other services, such as welfare and social housing, but there has been little public discussion about the provincial government's desire to download funding and management of public health services to the municipalities.

We are here today to express our concerns regarding these amendments. We have already shared these concerns with the government. I cannot emphasize enough that the downloading of public health is a very serious health care issue. The health of families, friends and entire communities is in the balance. Water supply contamination, outbreaks of diseases like tuberculosis, hepatitis and meningitis may become difficult to track and treat under a fragmented system. In light of the emergence of new antibiotic-resistant bacteria, these are frightening prospects.

The Ontario Medical Association believes that if the provincial government moves ahead with the amendments, as drafted, without safeguards, the government will be compromising the health and safety of Ontarians.

We have three primary concerns with the downloading legislation. First, the amendments as they now stand allow decisions on public health, ranging from the control of epidemic outbreaks to the provision of health promotion and prevention programs, to be undertaken by municipal administrators who do not possess the requisite training or expertise to be publicly accountable for these services.

Right now, public health programs and services are run by health professionals under the authority of the local medical officers of health. Medical officers of health have specialized training in infectious and communicable disease control, epidemiology, environmental and occupational health, and health promotion and prevention. This is

the expertise needed to effectively deliver public health programs and services. Medical officers of health often act in the capacity of both health care advocate and guardian at the municipal level.

Historically, a significant number of municipalities have been very reluctant to support public health services. So we have to ask why, in an exercise supposedly committed to greater accountability, would the government hand municipalities responsibility for these services without sufficient safeguards?

Our second concern is the uncertainty regarding the continuation of current programs and services. The Ontario Medical Association believes that programs which deal with family planning and sexually transmitted diseases, AIDS prevention, tobacco control and nutrition are all vulnerable under downloading. In a significant number of cases many of these programs are now funded 100% by the province because local governments have refused to support them.

The results of effective public health programs don't always have high visibility. Because you can't see the unwanted teenage pregnancies that do not occur, the lung cancers that are prevented and the number of children who would have otherwise been malnourished without these programs, municipalities could choose not to fund these important health services. Acting in their role as health care guardian, medical officers of health and other local health professionals ensure that these programs are in place. Under the government's proposed amendments as they now stand, however, these eyes and ears of the health community are being closed.

Our third concern relates to the privacy of confidential health information. Public health professionals gather a significant amount of confidential health information when monitoring infectious diseases and delivering health promotion programs. Health professionals are bound by professional standards to maintain confidentiality. However, under the government's proposed amendments as they now stand, confidential information could be disclosed to municipal administrators. This could be particularly problematic when dealing with sensitive issues such as the monitoring of sexually transmitted diseases. Since April, we have repeatedly asked the government to address these concerns.

Yesterday, the Ontario Medical Association met with officials at the Ministry of Health and we received a commitment that the government is prepared to introduce amendments to address our concerns. We will continue to work with government to ensure these amendments reflect the following three recommendations:

First, guarantee that local medical officers of health maintain a direct reporting relationship with the local boards of health on health issues. Boards of health must have unfettered access to health professionals' expertise and advice.

Second, make it mandatory that the Minister of Health take action to monitor municipal compliance with mandatory public health programs and services.

Third, ensure strict privacy provisions to keep confidential medical information in the hands of health professionals. Public cooperation and confidence in the system will be maintained only if people are secure in disclosing their medical information. Allowing medical officers of health to retain their authority vis-à-vis the boards of health on health issues should address this concern.

We hope the government will now move swiftly to table amendments to safeguard the health of the citizens of Ontario. The Ontario Medical Association continues to be interested in working with government to find ways to maintain a safe and reliable public health system.

Dr Boadway and I will now be pleased to answer any questions from the committee.

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The Chair: Thank you very much, Doctors. I'm sure members of the committee will have some questions. I think we have time for all three caucuses.

Mr Colle: Thank you very much for coming. I guess the warning you're giving is a pretty serious one. I think you're right that this is one of the downloaded services that has received little attention, but if this isn't brought to people's attention, we're in for some pretty serious things. As you mention, water supply contamination, outbreaks of diseases like TB, hepatitis, meningitis may become difficult to track.

As the legislation stands right now, there is nothing in place to ensure there are safeguards, so these things are basically allowed to fall through the cracks. So this legislation right now has a major deficiency in it.

Dr Gray: We believe in fact that the health community as voiced through the medical officer of health is the eyes and ears of the safeguard, as you put it and we put it, to make sure that these things don't fall between the cracks.

We believe the legislation as currently worded doesn't adequately safeguard that this information will come to the attention of the health authorities in the community or indeed, of the minister and the Ministry of Health. We're suggesting that these safeguards should be put in place, particularly through a reporting relationship with the local medical officer of health, on health issues. We understand the other economic issues are outside our purview and we're not commenting on those.

Mr Colle: Right now, in essence, there is no way for different medical officers of health to ever get this information about the potential outbreak of one of these diseases the way this bill is structured. There is no mechanism, no infrastructure in place to allow that communication of such important information?

Dr Gray: I'll let Dr Boadway address that.

Dr Ted Boadway: To be perfectly clear, what could happen under the legislation is there would be an ability to have a lay administrator who would be between the medical officer of health and the board of health. So there is no way for the board of health, which is the representative of the people in the community, to receive this information directly from the medical officer of health.

The medical officer of health in the local community would still have the surveillance tools to be able to dis-

cover this. This will not be changed by the legislation. But their ability to report this to the civil authority could be limited by this legislation, and furthermore, the ability of the chief medical officer of health to, on a regular, routine basis, survey for these is removed. So we believe there needs to be some maintenance of these in the health area — we'd emphasize in the health area.

Mr Colle: The other thing is in terms of this fragmentation and the attention given to such programs as AIDS prevention, tobacco control, nutrition and so forth. How is it possible, given the independence of all these municipalities in dealing with health issues, that you're comfortable that these diseases or nutritional problems etc are going to be treated evenly across the province? How is this ever going to happen with this legislation?

Let's say family planning, for instance, that Kenora doesn't have any allocation of funds in Kenora district for family planning, or tobacco control. How is that ever going to be brought to anybody's attention or anything going to be done by the medical community to take care of that shortfall?

Dr Gray: It's clear in the legislation that the government has defined mandatory programs. These programs are spelled out in the legislation, and in fact it's my understanding that there are significant penalties attached for municipalities that don't comply with the provision of those programs.

The part of the loop that isn't closed though is, how will the Ministry of Health know if municipalities aren't providing those programs, if the local medical officer of health cannot be sure that his reports are going to be heard, either locally or provincially?

Mr Silipo: If I can just pick up on that, it comes back then to your first point about the need for that direct reporting relationship between the medical officer of health and the board of health as the way to ensure there is that accountability and that monitoring that go hand in hand.

I just want to be clear. You have been given what you believe is a fairly clear assurance that the government is prepared to move to amend the bill to reinstate that relationship?

Dr Gray: We have had general concerns about the legislation for a long time. We've actually only had the wording of the legislation for five weeks and we have spent much of the last five weeks trying to discuss among ourselves how we can assure that these concerns were heard. We believe now, after the most recent meetings we've had with the government, that they understand our concerns and that the reporting problems were not a deliberate omission from the legislation and will be corrected.

Mr Silipo: I am happy that's going to happen. Obviously you are as well that that's going to happen, that that will make the situation a little bit more bearable. The concern I would still have and that I would be interested in your comments on is that this is not going to change at all the control of the dollars and the fact that if there is going to be a continuing squeeze down on to municipalities to have to find savings, the provision of the health care area is one of the areas they may very well be looking at in

terms of doing that. How can that issue be addressed, short of the government reversing its position on the downloading of these costs?

Dr Gray: I think unfortunately that's a societal decision to make. As the health community, we'll make sure that we can provide as effective service as we can provide with the dollars that are available to us. Obviously, we will rely on the local medical officer of health to advocate as vigorously as he or she can for the provision of as many of these services in the community as possible, but ultimately the financial decisions don't rest with the physicians. They rest with the government of the day.

Mr Silipo: No, and I wasn't suggesting that there was something you could do about that directly.

Mr Tim Hudak (Niagara South): Thank you, gentlemen, for your presentation. I am pleased to hear that you've had some productive meetings with the ministry on your concerns to ensure that standards are protected and that the medical officer of health has a direct reporting mechanism, both to the ministry and to the board of health.

What underlies your concerns? You mentioned in your presentation some particular programs: AIDS prevention, tobacco control, nutrition. What evidence do you have, what history can you bring forward to justify why you're very concerned with these particular programs?

Dr Gray: We have a very specific example that goes back, to my knowledge, about a year in Collingwood, where there was an outbreak of a very serious but previously not well-appreciated fungus infection in the water called cryptosporidium. The seriousness of the outbreak, was not appreciated in the community but the local medical officer of health did in fact alert the community, did order that the water in the community be boiled. That local medical officer of health, even under existing regulations, was under intense political pressure to not issue the order in the first place and, secondly, to withdraw the order prematurely. That local medical officer of health felt there was direct political interference in his ability to sound the alarm in a local community. It's my belief that, as a result of his actions, he lost his job.

The Chair: Thank you, sir. That's it. We've run out of time.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair: The next presenter is OPSEU. Good morning to you.

Ms Leah Casselman: Good morning.

The Chair: I have one name, Leah Casselman, and I see two people, so I trust, Ms Casselman, you'll introduce your other presenter.

Ms Casselman: I most certainly will. Thank you very much. With me today is Jim Onyschuk, one of our researchers at OPSEU. Behind me in the room are the officers of the Ontario Public Service Employees Union as well to hear your committee's comments on our presentation.

I am Leah Casselman, the president of the Ontario Public Service Employees Union. We're here representing 100,000 Ontarians who serve the public in the Ontario public service, in the broader public service and in our community college system. I can't say that I am pleased to be here today to talk about the government's latest downloading bill, Bill 152, but I am here just the same. After our experience with Bill 136, I have some hope that it may be possible to get this government to listen to reason.

Among Ontario unions, OPSEU is probably the union most affected by the overall downloading package. In the Ontario public service, the work of social assistance workers, property assessment workers, psychiatric hospital workers, ambulance officers and hundreds of others is slated to be downloaded. In the broader public sector, our members are affected by school board mergers, which are also part of the overall package.

In total, we estimate that over 10,000 of our members will be affected by downloading. That's 10,000 people whose livelihoods are in jeopardy. That's 10,000 families who face unemployment, pay cuts, privatization, a new employer or being uprooted and moved to another community.

No one should be surprised that OPSEU has been leading the charge against downloading right from the start. I use the word "downloading" on purpose here. I don't say "disentanglement." OPSEU supports any policy that improves the quality of public service in Ontario. We support any policy that puts public service funding and delivery at the appropriate level of government.

One simple reason is that we pay taxes, just like everybody else. Another reason is that public services are easier to defend if they are run properly. So we have no problem with the concept of disentanglement. Unfortunately, Bill 152, Bill 142 and the pending legislation around property assessment have nothing to do with making public services work better, in spite of the fancy titles. A lot of people have figured out an easy way to tell what a given bill is about under this government: You just look at the title, and then you know the bill will actually do the opposite.

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According to its title, Bill 152 is supposed to improve public services, benefit taxpayers and eliminate duplication between provincial and municipal levels of government. In fact, Bill 152 will do none of these things. If you wanted to give it a title that actually described it, you would have to call Bill 152 "An Act to make municipal governments pay for provincial government incompetence" or maybe "An Act to pay for provincial tax cuts with municipal tax increases."

It is probably the view of government MPPs here that OPSEU's view of all this is self-interested and biased. But the interesting thing about our critique of Bill 152 is that it is shared by other critics from right across the political spectrum. This includes David Crombie, whose advice the government — well, you paid for it, but then of course you ignored it. Crombie said that most soft services, like social and health costs, should be provincially funded. Many of those costs swing wildly with the business cycle. The

province, with its larger budget and progressive income tax revenue, is best equipped to deal with these services. Crombie called it "Public Administration 101."

But the most interesting thing is that Al Leach seems to agree as well. You know Al. On August 25 he said, and I quote: "Social services and education shouldn't be on the property tax. They shouldn't be there."

So I look at social housing and I think: "Wow. Crombie said it was wrong to download it, and even Leach seems to think it should be under provincial control. So what's going on?"

What's going on is that the province wants to stick municipalities with a bill for at least \$900 million a year for housing alone. That does not include the \$550 million the province currently gets from the federal government.

Here the wording in the bill is kind of interesting. In subsection 2(2) it says, and I quote, "The amounts of any grants received from the government of Canada and its agencies for social housing do not form part of provincial social housing costs." Well, they do, actually. Social housing in Ontario costs \$1.45 billion. I suppose the federal government could decide to make some kind of direct arrangement with the municipalities. That would be highly unorthodox, and I think it would most likely not happen. Until such time, what we are talking about is a \$1.45-billion direct hit on municipalities.

I just want to talk very briefly about the whole idea that the overall downloading exercise is going to be "revenue-neutral," and I quote.

Mr Harris made what I think he called a "pinkie promise" that this whole exercise would not end up costing municipalities more because they will be relieved of half the costs they had been paying for public schooling. There's very little evidence to support what Mr Harris is saying. The municipalities don't seem to believe it. They laughed out loud when Al Leach said the same thing.

According to our understanding, a minimum of 60% of municipalities are going to take major hits. For example, based on the government's own figures, the following communities will see the following cuts: Algoma district, \$982 per household per year; Cochrane district, \$1,104 per household per year; Kenora, \$1,185; Nipissing district, \$949; Sudbury region, \$913; and Thunder Bay, \$748 per household per year.

The funny thing about all this is that a few short years ago, before he was Premier, Mr Harris made the following statement in the report of his Northern Focus tour, and again I quote from that report: "A Mike Harris government will work closely with northern municipalities to forge a new and better working relationship. As part of that new relationship, we will end the downloading of services to the municipal level. No new mandates will be enacted unless appropriate funding is allocated."

I'm not making this up. He actually said that. This was actually reported, him saying that. A few more years of that kind of leadership and northern Ontario is going to be eastern Manitoba.

The area affected by Bill 152 that concerns me the most, though, is ambulance services. OPSEU has a long

history of being involved in the creation of a professional, efficient and safe ambulance service in this province. Today, OPSEU represents about 1,600 ambulance personnel. Our members save lives for a living.

When OPSEU came on the scene, ambulance services were basically just a bunch of people with station wagons and even half-tons. Training was minimal or non-existent. It was common for patients to be transported with no attendant to do patient care en route to hospital. In some communities, the ambulance did double duty as the local hearse.

It is a source of great pride in OPSEU that we fought for the professionalization of ambulance service. We fought for adequate staffing levels, we fought for better equipment and we fought for better training. Today, 90% of ambulance service is delivered by people who have either level 1 or level 2 paramedic training. They are trained to defibrillate, administer drugs and perform surgical procedures like tracheotomies. Our people are good at what they do.

In April, Health Minister Jim Wilson boasted that, and again I quote: "We have the highest standards and the best ambulances in this country. We wouldn't want to do anything to destabilize that." That's what the Minister of Health said. Wilson is of course correct. We do indeed have an excellent system. It does not need fixing.

David Crombie said: "The province should continue to fund and control ambulance services as part of the health care system. This would maintain a seamless system in the area of health care with a consistent level of care and service province-wide."

The current system is in fact seamless. When you call for an ambulance right now, a central dispatch sends the closest ambulance available, no matter who runs the service. That's what's being jeopardized by Bill 152. The ambulance system is a part of the health system, and health is a provincial matter.

Bill 152 is a recipe for a patchwork ambulance system — the good old days. Poor municipalities will have one kind of ambulance service, perhaps supported by user fees, and the rich municipalities will have another, better kind. This is wrong. Universal health care means that the quality of health care you receive does not depend on whether you are rich or poor. When you need an ambulance, the ambulance is there as soon as possible, with the best equipment and the best-trained staff inside. With nearly every municipality in this province predicting financial hardship because of this downloading, we have absolutely zero confidence that emergency health service standards can be maintained by all municipalities, and one town with substandard ambulance service is one town too many.

The infuriating thing about this issue is that it is not about improving quality of service. It's about getting the cost of public services off the provincial government's books. It's about putting financial pressure on municipalities to force them to cut services. It's about putting financial pressure on municipalities to force them to privatize

public services. It's about the provincial government trying to reshape Ontario's communities in its own image.

In section after section, Bill 152 seeks to keep power in the hands of the provincial cabinet while putting responsibility in the hands of the municipalities. As one columnist put it, municipalities will have "pay without say," and that's wrong. This legislation must be changed, but the changes needed are not superficial.

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Clearly it is wrong to hobble the independence of the medical officers of health in our communities, as I'm sure you've just heard, as this legislation does. It is wrong for the province to ensure increased contamination of our lakes and rivers by abandoning its roles in septic system inspections, as this legislation does. It is wrong to make it harder for poor women to get day care for their children, as this legislation does.

OPSEU's recommendation is for the government to go back to the drawing board and start all over. If you really want to improve public services, start by scrapping Bill 152. Thank you.

The Chair: Thank you very much. We have time for questions from the Liberal caucus.

Mr Colle: Thank you, Ms Casselman. The biggest concern I think a lot of people have with the closing of hospitals — in Metro we're in a mad scramble right now where we had I think eight hospitals on a pass-by system over the last couple of weeks. Has your membership looked at the impact of potentially closing some of the rural hospitals and at the same time going to this new system delivery of emergency at a local level, what that might do to people getting to hospitals and the funding available etc?

Ms Casselman: We've looked at it, and marrying that issue up with what happens to ambulance service in particular, because if you don't have the type of qualifications in those vehicles that are transporting patients, it doesn't quite matter where they end up. If you're looking at establishing an emergency room in some kind of clinic in a small town outside and closing a hospital, again that would jeopardize people's health because you don't even have a higher standard of service available once the ambulance arrives at its destination.

The work we have done in that area with smaller hospitals and smaller communities clearly underscores their fear that they will become just second-class, so if you're not inside the Golden Horseshoe or the Toronto area, you pretty much don't matter. The distance for travelling increases as well, so if you're in need of an ambulance service and you're being transported, you're now being transported a farther distance.

Mr Colle: I know the ambulance association of Metro Toronto has expressed concerns about the gap in time. As you know, one minute can make a heck of a difference for a heart attack patient, and this is Metro Toronto. I guess the concern is what happens in rural Ontario when there isn't that hospital that used to be there and you have an ambulance system that has to go so many kilometres further.

Ms Casselman: Yes, the fear we've got with the American firms, Rural/Metro moving into the ambulance system, buying up services, and Laidlaw — I don't know whether it's their waste management side that's taken up the ambulance service or not, but they're moving into the field as well. They've got the opportunity now to make a profit off that whole system, as the private operators did before, but there was a commitment in working with the municipalities and centralized purchasing through the Ministry of Health, centralized and ministry-controlled dispatch, so there really was a seamless situation. So even if you are out in rural Ontario and you know there's no service, you at least have the opportunity through the communications system to know that you're headed in the wrong direction and you'd better start heading this town over here because they have service available for whoever is in the back of your vehicle.

The Chair: Ms Casselman, unfortunately we're out of time. Thank you very much for taking the time and making your presentation to the committee.

DON KIRKPATRICK

The Chair: Ladies and gentleman, the final presentation this morning is by the city of Barrie, Don Kirkpatrick, alderman. Mr Kirkpatrick, good morning to you. As you know, you have 15 minutes to make a presentation, which would include questions.

Mr Don Kirkpatrick: Thank you and good morning. My name is Don Kirkpatrick and I'm here representing myself, not the city of Barrie. I am an alderman with the city of Barrie, but I'm here representing myself and myself only. Because you don't know me, I'll just spend a little time telling you who I am, where I'm coming from. I'm a resident of Midhurst, which is in Springwater township in Simcoe county in the new Simcoe-Grey riding. I was formerly in the Simcoe Centre riding, but with the boundary changes I'm now in Simcoe-Grey.

I own property. I'm a landlord in Barrie. I'm an alderman on the city of Barrie council and have been for the past three years, and I hope to be for the next three years. Prior to that I headed the city of Barrie engineering department for over a quarter-century. As an alderman, I sit on the Simcoe County District Health Unit board and the Nottawasaga Valley Conservation Authority board. I have a degree in civil engineering from the University of Toronto, a diploma in public administration from the University of Western Ontario, and a masters degree in business administration from York University here in Toronto.

My interest in the Common Sense Revolution goes far before the phrase was even coined. As a city of Barrie employee and prior to that as an associate with Ainley and Associates, consulting professional municipal engineers, in Collingwood for five years, I was paid and that was my job: to extract money from the province of Ontario for municipal infrastructure subsidies. At the time I believed my time could be better spent doing engineering and administration. I wondered why the province didn't stop funding municipalities and let them run their own show. I

know that municipalities are creatures of the province and that the parent-child relationship is relevant, but as the mayor of Barrie said in a speech recently at the AMO conference here in Toronto — and I can tell you she's a Liberal — Ontario municipalities have grown up and wish to be treated by the province as adults. I think that is what the Common Sense Revolution in Ontario represents, and it's high time.

I've heard many times through the years that municipalities would like to be able to make their own decisions without being told what to do by the province. Now that the province is proposing to do just that, which of course requires that the municipalities foot the bill, I hear complaints of downloading, especially from folks I believe don't have a Progressive Conservative leaning. In that respect I hear a lot of information, and I've just heard it here this morning, that is totally erroneous and I know is incorrect. It's natural when evolving from our culture to believe that it is nice to be autonomous with a parental financial security blanket, but we all know that's pretty wimpy.

Now is the chance for local government in Ontario to take charge of local government in Ontario. I'm quite convinced they can do that, and I think it's an insult to suggest that local people can't run local affairs. Of course we should have to pay the price. If we want the say, we should pay. I think it is an excellent opportunity. I think it's a win-win situation and I think the price will be a lot less than what we have been paying, a lot less duplication.

At York University I learned that there's no free lunch. I have been proud ever since to be a provider, in my opinion, rather than a taker on average. I have belonged to the Barrie Rotary Club for the past 20 years and have firmly believed in one of their rules: that he or she profits most from serving best.

So I say to this government of Ontario: You're right. Don't be swayed by the slings and arrows. Stay on course. The current Ontario government is doing the right thing, in my opinion. It's not easy, but at the end of the day I'm sure you will be rightfully proud of your accomplishments.

I thank you for your attention.

The Chair: Thank you, sir, and we do have time for questions.

Mr Silipo: Mr Kirkpatrick, your position is quite clear, and you and I will disagree on a fundamental piece of it, but I'm not sure that we've been hearing a lot of difference with respect to the ability of municipalities to deliver some of these services. The concern that I've certainly been hearing — there's some concern on that score, no doubt, but the concern that certainly I've been hearing more clearly is the question of, first of all, does it make sense on some of these services for them to be delivered by the municipal level? So it's a philosophical issue in terms of, should these services not continue to be run and, more importantly, funded at the provincial level because they are broad services as opposed to localized services?

Secondly, and more importantly I guess, is this question of, are municipalities being given the latitude financially

within which to do that? I guess that's the point that I didn't hear you talk about particularly.

1150

Are you saying that you're satisfied the money is going to be there, or are you saying that the money has to be there in order for municipalities to be able to do that? That is of course a primary concern. If the responsibility is given to municipalities to run any number of the services that we're talking about, whether or not we agree on that score, if the money isn't there to the extent that the money is there now at the provincial level, then obviously that puts municipalities in a position to have to make some difficult decisions about where they cut and what they cut.

Mr Kirkpatrick: It's not only a philosophical question, it's a practical question: Who should pay for what, who should provide what, who should administer what? In my opinion, things that are done locally should be looked after locally. I know a lot of politicians around the province, not just from cities but townships and whatever, and I know that the administrations are there. They may need some help from time to time, but we don't have to, with local things, rely on provincial money. We have the property tax base and I'm assured by the government that at the end of the day, or January 1, this whole reorganization will be revenue-neutral. Sure, maybe some municipalities will benefit or some may suffer, but on average I understand it's supposed to be revenue-neutral.

We have the wherewithal financially. We have the wherewithal administratively, with the expertise, when we need it, from the province. Whatever expertise they can provide on a province-wide basis we've always got in the past, and I think we'll still get it; not financially, but there will be people, say, in the health business that we will be able to talk to at a provincial level if we locally don't understand a provincial problem.

Mr John Hastings (Etobicoke-Rexdale): Mr Kirkpatrick, did you attend the annual AMO conference this year?

Mr Kirkpatrick: Yes.

Mr Hastings: Could you tell us exactly what transpired there in terms of the vote dealing with Bill 136 and some of the realignment of responsibilities, particularly when we've heard from so many mayors and municipal politicians that they do want to get a clearer focus on who delivers what in today's modern economy, and then they turned around and did the very precise opposite of what they've been sending letters in on, whether it's health care, transportation or all of the other issues? What exactly happened down there that changed the focus from what they've been sending in in terms of getting this responsibility lineup cleared up, and what happened in the vote on Bill 136 and other assorted issues?

Mr Kirkpatrick: Mass confusion was what it was. People ended up wishing they hadn't voted as they did. Why they got confused, I don't know. I don't think you can come away from that conference having a very firm idea of what that organization stands for.

Mr Hastings: It's often cited here that this was a concise vote that they want to have things pretty well remain

as is in terms of how service delivery of responsibilities is maintained, that there are no problems in service delivery: You can get a pronto response back from our bureaucrats at any level within an hour sort of thing, or within 24 hours. You know differently, do you not?

Mr Kirkpatrick: I enjoyed the AMO conference because of the speakers from the province, including Mike Harris, but I'm not proud of that organization as a member of one of the municipalities that's a member of that organization.

Mr Colle: Thank you very much for taking the time to come down from Barrie and showing an interest in this bill, Mr Kirkpatrick.

I know you agree with the philosophy. I guess philosophically a lot of us can maybe look at the positive aspects about clearing up responsibilities and making sure that what you deliver, you pay for and you have direct accountability for.

But one of the areas I find really inconsistent is this whole idea of downloading soft services on to the municipalities, like social housing. I really don't find that consistent with the old adage that property taxes pay for the hard services. If you don't agree totally or you disagree, don't you think at least that the idea of getting into this social service provision, which is housing, on the property tax is a dangerous area to get into for local municipalities?

Mr Kirkpatrick: No. Municipalities have been in soft services from the property tax for decades: recreation and whatever. It's not a new field for them.

Mr Colle: How many social housing units do you have in Barrie?

Mr Kirkpatrick: Per capita, probably the most in the province.

Mr Colle: This doesn't worry you, putting that on the property tax bill?

Mr Kirkpatrick: No. I think it's given the city the opportunity to manage those things better than they have been managed, frankly. I'm a landlord so I know a little bit about tenants. I think you've got to be pretty close to them to manage them. I think the city should be running those things and keeping a real thumb on it. I'm here representing myself. That may not be the city of Barrie's position.

Mr Colle: I understand. It's just that with social housing, it's not just the building; it's all the other ancillary needs that go with people who need that kind of support.

Mr Kirkpatrick: I'm very familiar with the social services in the province of Ontario.

Mr Colle: You don't have any problem with putting those social services on the property tax bill?

Mr Kirkpatrick: I do not.

The Chair: Thank you, Mr Kirkpatrick.

Mr Kirkpatrick: Can I just clarify one thing, Mr Chairman?

The Chair: You have one brief statement, do you?

Mr Kirkpatrick: I just want to clarify one thing that I heard said here, that the medical officer of health in Simcoe county was fired over the Collingwood cryptosporidium incident. He was not fired over that incident. He was

not fired at all, as a matter of fact. I resented that being stated by a medical person.

Mr Colle: He's still there?

Mr Kirkpatrick: No. He was the assistant medical officer of health and they decided to hire, after some absence, the chief medical officer of health. He applied, as well as other people, and he wasn't the selected candidate.

The Chair: Mr Kirkpatrick, we are now out of time. Thank you for coming and speaking to us.

That concludes the proceedings this morning. We will recess until 3:30 this afternoon.

Mr Colle: Should we come a little early to discuss the dates there?

The Chair: Yes, perhaps the subcommittee members could come some time between 3 and 3:30.

The committee recessed from 1157 to 1531.

The Chair: Ladies and gentlemen, if we could reconvene, we agreed we would start at 3:30 and it's a little past.

We have a subcommittee report we'll try and reach later in the afternoon, with respect to travel arrangements.

ONTARIO PUBLIC HEALTH ASSOCIATION

The Chair: The first delegation to see us this afternoon is the Ontario Public Health Association. I have two names: Peter Elson and Mary Martin-Smith. Good afternoon.

Ms Mary Martin-Smith: Thank you for the opportunity to speak to the standing committee on Bill 152.

The Ontario Public Health Association represents the voluntary interests of more than 3,000 people who are active in public and community health throughout Ontario.

OPHA members come from every community health discipline and every location within Ontario from Windsor to Thunder Bay. They include people from public health units, community health centres, universities and other community agencies.

OPHA acts as a unifying voice for eight constituent societies which include public and community health nurses, nurse managers, business administrators, nutritionists, public health dentists as well as public health inspectors and managers. We represent their collective dedication and commitment to advancing the health of the public of Ontario.

What is this public health system that OPHA wants to sustain? Public health and its mandate for health protection, disease and injury prevention and health promotion is the only systemic population-wide investment with a mandate to keep as many people as possible healthy for as long as possible.

Your public health system tracks and controls communicable diseases, counsels and educates teens to avoid unplanned pregnancies and sexually transmitted diseases, inspects restaurants and wells to prevent outbreaks of food or water poisoning, and helps whole communities to understand their responsibility in preventing disease and injury.

Public health units have been recognized by this government as the primary vehicle to consistently deliver programs to whole communities. Provincial funding for immunization programs, the Healthy Babies, Healthy Children program, and heart health are just three examples. OPHA, like many here today, wants a public health system which is as dynamic and as strong as possible, so any provincial or municipal investment has a positive and significant impact on the health of Ontarians.

The OPHA publication, *Community and Public Health Stories*, which most of you should have a copy of, provides a few examples of the difference that public health programs and services make in communities. There are hundreds of others. As the population of Ontario ages, an investment in prevention, promotion and protection strategies, in our opinion, becomes even more critical. Falls in the elderly, for example, are on the rise, and public health, as reflected in the proposed revisions to the mandatory programs and services guidelines, will make a significant contribution to the reduction of injuries and subsequent hospitalization and home care costs.

The question for us today is what Bill 152 will mean to this investment. Mandatory core programs and service guidelines must be maintained in regulation as the premise on which compliance to a full complement of public health programs are assessed. Without these standards being applied equitably across Ontario, along with reinforcement by legislation and compliance measures, the public health system as we know it will be compromised as will the health of the public.

Mr Peter Elson: OPHA has identified four principles it feels must be upheld if the public health system in Ontario and its programs and service standards are going to be maintained. They are (1) maintain a provincial public health system agenda; (2) reinforce public health unit governance standards; (3) ensure quality programs and service standards; (4) provide adequate resources to maintain and continue to strengthen quality programs and services.

There are three points OPHA would like to emphasize today.

First, OPHA fully supports strong enforcement provisions as one means to promote compliance to current and future program and service standards. OPHA wants to remind the government that it has been clear and emphatic about its desire to maintain public health standards while the funding responsibility shifts to municipalities.

While there are different means by which standards can be met and supported, including accreditation programs, the basic integrity of all public health programs and services must be maintained. Low-birth-weight babies, falls by the elderly, unwanted teen pregnancies, sexually transmitted diseases, communicable diseases like hepatitis B, contaminated food outbreaks, exposure to secondhand smoke, and increased incidence of heart disease will be the cost of compromise.

Therefore, OPHA would like to make it clear to this committee, the government and the general public that from OPHA's perspective, provincial standards for health

protection, health promotion and disease and injury prevention must be upheld.

As health unit budgets are a critical indicator of program integrity, OPHA expects the government would be prepared to take quick and definitive action with respect to compliance if and when Bill 152 becomes law. This is critical because currently public health units are not equitably funded. This was recognized by the government in 1996 and an equitable funding formula was subsequently applied to the provincial funding for health units.

Therefore, OPHA recommends that equitable funding provisions be factored into cost-sharing agreements, monitoring health unit compliance to programs and services, and in municipal government access to transition funds addressing the impact of the Who Does What recommendations.

The credibility of the enforcement provisions in this bill rest on the willingness of the government to actively enforce the very provincial standards it has stipulated it wants to maintain.

Ms Martin-Smith: Second, the mandatory core programs and services guidelines developed by the Ministry of Health be maintained as the premise on which compliance to a full complement of public health programs are assessed; and further, that these mandatory core programs and services guidelines reflect not only the health goals for Ontario, but also the province's commitment to support current and future standards in health promotion, health protection and disease and injury prevention.

Therefore, OPHA recommends that subsection 2(2), paragraph 3 within schedule D be revised to read:

"3. Health promotion, health protection and disease and injury prevention, including the prevention and control of cardiovascular disease, cancer and other diseases."

Further, field research and development as reflected in the public health research, education and development partnership, which is currently 100% funded by the province, contributes significantly to the effectiveness and the efficiency of public health programs across the province.

OPHA recommends that this investment in research and development be retained by the provincial government as an integral part of its stated commitment to maintain program standards. Program and service standards must be implemented equitably across Ontario, supported by research and program evaluation and reinforced by legislation.

Mr Elson: Third, public health inspectors are the right people in the right place to deal with health hazards associated with well water and sewage systems. Public health was "invented" by the removal of pump handles at community wells to stop the spread of typhoid fever. The proposed changes in Bill 152 to transfer responsibility for regulating onsite sewage disposal from public health units to building departments puts the pump handle back on. As recently as 1975, typhoid fever was contracted by 42 people attending an Ontario day camp when the well water supply became contaminated by the sewage system.

There are over 500,000 Ontario homes and cottages dependent on private wells as a source of drinking water.

These water supplies must be protected from contamination to prevent disease. While municipal building officials review and ensure compliance during construction, no follow-up operational standards are addressed. People in Ontario have a right to clean, safe drinking water. Public health units have the system, the experience and the expertise to provide this service.

Therefore OPHA recommends that the government leave the responsibility for onsite sewage disposal in the Environmental Protection Act.

1540

Ms Martin-Smith: In summary then, OPHA recommends:

(1) Maintain a viable and visible provincial public health system agenda by monitoring population health status, responding to province-wide public health issues, such as disease outbreaks and health hazards and maintaining a provincial public health policy presence.

(2) Continue to provide 100% provincial funding for field research and development through the public health research, education and development partnership.

(3) Uphold the integrity and importance of the health of the public by maintaining provincial and local health representation and ensuring the full implementation of mandatory core programs and services guidelines as stipulated in part VI, section 61 of the Health Protection and Promotion Act.

(4) Maintain mandatory core programs and services guidelines in regulation as the premise on which compliance to a full complement of public health programs and services are assessed.

(5) Revise paragraph 3 to read, "Health promotion, health protection and disease and injury prevention, including the prevention and control of cardiovascular disease, cancer and other diseases."

(6) Retain responsibility for onsite sewage disposal within the Environmental Protection Act.

(7) We support strong enforcement provisions as reflected in Bill 152 as one means to promote compliance to current and future programs in services standards.

The Chair: I believe we have time for one set of questions from one caucus. I think the Liberals were last. Mr Silipo, you have about three or four minutes.

Mr Silipo: I don't know if you were here this morning to hear the OMA presentation. They made the point that as a result of their meetings with government officials they feel they may be getting somewhere, at least with respect to a couple of issues. One of them was this question of, as they put it, guaranteeing that the local medical officers of health maintain a direct reporting relationship with the local boards of health. I just wanted to hear your thoughts on that, as to how much of an improvement that would be given that you're saying, if I've understood correctly, that it's the need for the provincial funding to be maintained at the provincial level, that it is a question of money that is really causing the problem and who controls the flow of those dollars to be able to put in place all those other protections.

Ms Martin-Smith: It's probably both of those. Historically, medical officers of health have had statutory authority, which has allowed them to be the third party in settling public health issues. It's quite clear that role still needs to be maintained, so their ability to report to a board of health as an independent governance structure to deal with public health issues is absolutely critical.

The Chair: Thank you very much for coming. We appreciate your comments.

SEXUAL HEALTH NETWORK OF ONTARIO

The Chair: The next delegation is the Sexual Health Network of Ontario. Good afternoon.

Ms Carolyn Egan: Good afternoon. I'm Carolyn Egan and this is Selma Savage. Donna Randall is from Planned Parenthood Ontario, and Dr Michael Barrett is from SIECCAN, the Sexual Information and Education Council of Canada.

The question we wanted to address and put forward in the brief that is in front of you was our concern about the transferring of financial responsibility, putting the money forward for sexual health programs, from the province to the municipalities. We have very real concerns about the implications for the network of services that have developed over the last 22 years.

At present there are over 90 programs that exist throughout the province, and these include public health clinics, natural family planning programs such as Serena, Planned Parenthood organizations, a whole range of services both in rural Ontario and in the urban centres that have served, each year, hundreds of thousands of young men and women at risk in this province.

If I bring you back a few years, these were established through a program that Premier Davis's government instituted in 1975. Prior to that time, over 30% of births that were taking place in this province were happening to teenagers. The Davis government at that time recognized there was a tremendous need for a program and there was a tremendous cost savings afoot as well. What they did at that point was to introduce the family planning program which was to be 100% funded by the Ministry of Health.

Over the last 22 years this program has been able to initiate and maintain sexual health centres in every area of the province. The government at that time also recognized the fragile nature of this type of funding, and that's why it provided 100% funding at the Ministry of Health level. There was a lot of municipal inconsistency and political vulnerability for these particular programs.

As the years have gone by the studies have shown that they've been incredibly successful. The teen birth rate, for example, has fallen over 50% in Ontario. These studies have shown it's a direct result of the provincial moneys. Many of the municipalities would never have instituted the programs if the moneys weren't there from the provincial level.

In terms of cost-effectiveness, they've been proved over and over again. For every health dollar that's been spent in terms of immediate health savings, it's a ratio of \$1 to

\$4.40, and long term, it's a ratio of \$1 to \$10, particularly for teen mothers in terms of later health costs, social benefits, family benefits, that type of thing.

There's a very small cost to the program. The sexual health program is \$19.2 million, which is 0.1% of the entire Ministry of Health budget. The AIDS program is approximately \$8 million. Every expert we speak to on every level, within the ministry, university researchers, the municipalities, is telling us that if the money is not maintained at the provincial level, many of these programs will cease to exist. The teen pregnancy rate will rise, sexually transmitted disease rates will rise, and once again we'll be back to the situation we had prior to 1975 where kids will be having kids in this province. It's an incredibly disturbing prospect for those of us, particularly, who have been in the field for many years.

We know the province has initiated the Healthy Babies, Healthy Children program. It has been spoken of at a number of the presentations that have been made before you. Ten million dollars was made available, particularly for vulnerable mothers and their children. These two programs are geared to the same population, the same target, and we believe the same funding formula should be put in place here. They are complementary programs. I don't think there's any doubt that if the sexual health program is transferred to the municipalities, if the municipalities are not able to maintain, you're going to see much higher costs in the Healthy Babies, Healthy Children program.

We are told by some that we need not worry, that the mandatory guidelines will be enough to maintain the programs at the municipal level. It's not going to be the case, and we've been asked by many of the ministers we've spoken to in your government — we've spoken to a whole range from Mr Leach, Mr Johnson, and we've spoken to Mr King in Premier Harris's office, and they've all told us there's no ideological objection to the program, that the programs are excellent programs. They see them as something that should certainly be maintained.

The problem is, they are not going to be maintained. They've asked us: "Where is your proof? There are always scare stories." Well, it has started to happen. For example, Planned Parenthood Ottawa, that has existed for many years, normally gets a grant of \$78,000 from the provincial money flowed through the local board of health. They've been told already that they can expect only \$15,000 this coming year, which is not enough to maintain the program. The program will go down, essentially.

Planned Parenthood Hamilton, which is the oldest family planning clinic in the province — it was initiated in 1932; it's the oldest in the country and has a tremendous record — has been told again by the municipality that it cannot ensure any funding beyond December 31 if the moneys are not in place.

1550

In terms of the megacity of Toronto here, the transition team has said to the public health authorities that they have to make a budget reduction of up to 15%. They could only find between \$2 million and \$2.8 million in their

initial run through, but within those are seven birth control/family planning clinics, including Planned Parenthood Toronto, the Planned Parenthood Ontario Fact of Life Line that 96,000 young people address, SIECCAN, the Immigrant Women's Health Centre, the North York Birth Control and VD Centre, and Serena, a natural family planning program. So we're beginning to see already the dismantling of a system that's been in place since 1975 that is actually a flagship across this country and across this continent.

We're incredibly concerned about what this means. We're asking this committee to look very seriously at this particular question. It's not a lot of money. There'll be a tremendous cost benefit to the province if it's maintained. The question we ask is, why dismantle a system that's working now and will mean tremendous increased health costs to the province if it is dismantled?

Once it starts falling to pieces and there's a recognition that it has to be put back in place, it will take years and years to do that. That's what we're asking this committee to look at. We think we have sympathy within all parties for this approach and we're hoping a recommendation can come out of the committee to maintain full funding for the sexual health programs at the provincial level. Some of my colleagues would like to make a few comments as well.

Dr Mike Barrett: I'm Mike Barrett, executive director of SIECCAN, the Sexual Information and Education Council of Canada. We're a national organization, but about 80% of our membership, which includes about 350 organizations and similar individuals across the country, is in Ontario, and a large portion of our service is here because our office has been located here for the last 30-odd years.

For the last nine of those years, we've been housed in the East York Civic Centre with the East York health unit. For the last seven of those years, the province has provided us for the first time in the organization's history with some core funding that allowed us to hire an administrative coordinator.

Let me tell you what having a coordinator means for an organization that's been run by volunteers for 25 years and still relies immensely heavily on volunteers. It means we can be proactive to do things, not only in the country but in the province, that we couldn't have done before. That's why you've got the Canadian Guidelines for Sexual Health Education, because we were able to be chosen by Health Canada to help coordinate the group that produced them. There were 10,000 copies distributed in Ontario.

We were able to produce *After You Tell*, a booklet, Bliss-symbol translated for people with disabilities, that explains the implications of going to court after disclosures of sexual abuse of people with disabilities, from the family violence prevention division. Again Ontario benefits there because we have the infrastructure that lets us appeal for funding to do things that will have an impact, particularly in Ontario.

We also were able to found the Canadian Journal of Human Sexuality and we were able to produce a special

theme issue of that journal on STDs and sexual reproductive health, distributed at the last Guelph sexuality conference.

We're also able to provide information services and resources to the system that Carolyn mentioned in her presentation which I think is an integrated network that's working exceptionally well and is interdependent in a way that will be significantly damaged by transfer of funding to the municipalities. Not that the municipalities won't try, but particularly in smaller communities and in northern Ontario where a lot of our work has been done, I think the chances are very unlikely that will occur.

I have a list of health units we provide significant resource services and consultations to. I have a list of about 50 organizations, most in Ontario, which use our services for professional development, research, consultation and resource assistance. I have a similar list of schools and indeed of media and even government organizations that use us.

This is the kind of payoff that the 19 flow-through programs can generate for the province. I think it's fair to say that ours is significantly at risk because we are a broadly based, provincially focused organization and we won't have any single municipality able to pick us up. I think that may be true for a number of the other programs that appear on the surface to be municipal. I'll give you a significant example of how this will impact on northern Ontario, to finish up in about a minute.

Because of our expertise in the area of sexuality, disability and chronic illness, we've been asked by the Easter Seal Society to collaborate with them in a program that will be for all of Ontario in all six of their regions. It'll begin in northern Ontario, in Thunder Bay, Sudbury, Kapuskasing etc, and the goal is to provide sexuality information and sexual health programs for teens and young adults with physical disabilities.

The Easter Seal Society has the access to that audience. We have the expertise in program content. We can do that stuff for the next five years in those areas and provide a service that will not just support those teens and their families, but also the health professionals who work with them, the educators in the school system and the various network of agencies that are already in place.

In order to do that, we need a functioning infrastructure and I am fearful that, particularly in northern Ontario, that infrastructure will dwindle and the resources we need to do that kind of work will be lost.

The short answer for SIECCAN is that our funding is unlikely to continue unless some active decisions are made by this committee or some other level in government to rethink the downloading of sexual health funding.

Ms Donna Randall: My name is Donna Randall and I am the executive director of Planned Parenthood Ontario. Obviously I'll keep my remarks very short. I will key in on an example in southwestern Ontario of funding that is not coming through to a Planned Parenthood affiliate, even now that the moneys are provided by the province. We see this as a perfect example of what will happen in other areas when moneys have to come from the municipal base.

Planned Parenthood Waterloo Region is supposed to receive flow-through funding and in fact the sexual health program of community health is very much in favour of that affiliate receiving that funding. However, the anti-choice voice is very effective at the municipal level and even though the money is now coming from the province, that money is not allowed to pass through to that affiliate because what that region has chosen to do is to make that affiliate apply for a grant instead of just contracting the services of that affiliate.

What's really the result of that is, the affiliate's done a wonderful job of fund-raising, but many fund-raisers want to fund projects. If you don't have the base funding to run the agency, it's really tough to do the fund-raising and to promote the projects.

It's a really difficult situation. What ends up happening is that affiliate can serve fewer people so the emphasis goes back to the sexual health program of the region, and that program is terribly busy and cannot meet the need. Then it is further complicated by the fact that this an area that is underserved by doctors. The people who can't get into Planned Parenthood or the community health department cannot see a doctor because there are no doctors taking new patients. I ask you to consider the impact on individuals of these services not being funded.

The Chair: You have under two minutes, if someone has a two-minute question, from the government side.

Mr Hudak: I guess by way of a response an assurance that mandatory and very strict standards — I think sometimes "guidelines" has a bit of a flexible connotation. These are strict standards that will have to be adhered to by all municipalities delivering these programs.

In fact the OMA earlier today spoke with some satisfaction that there will be the ability for the MOH to monitor, report to the board and get back to the ministry if any of these standards are transgressed in any way. I think what you'll see in this evolution is the Ministry of Health taking on more of a monitoring and assessing role to ensure compliance is concentrated in those areas.

I would think you would agree, and I'll ask you this question: a number of abilities for the minister in that bill to make sure these standards are delivered, to go to court in some instances if there's a threat to public health, to order them and to charge back if some of these services are not —

Ms Selma Savage: I'd like to respond to that, if I may. I think the guidelines are a minimum at best. For the past 10 years we've been aware of many health units that cannot even meet those minimum guidelines, let alone the new guidelines. So we're very concerned about that.

By the time you have to go through an appeal process and any kind of legislative process to report back to the ministry and the MOH, you're looking at teenage pregnancies and STDs. I'm sorry, but the guidelines just won't cut it.

Ms Egan: They're a minimum. The guidelines as we've seen them, and we've seen the draft and we've had input into the draft, are not enough to maintain what is now, by a long shot. Even if there was the regulatory

power, as you suggest, they are nowhere near enough, the minimum guidelines as they stand, to maintain what is.

You'll see that, and the whole question of the appeals process, how long that takes, the services that won't be funded in the interim. We've had this ongoing discussion, of course, with the minister's office and it's becoming clearer and clearer that it's just not going to be enough.

The Chair: Unfortunately we are out of time. I am sorry. I know we could go on, but we have time limits. Thank you very much for your presentation.

1600

ASSOCIATION OF DAY CARE OPERATORS OF ONTARIO

The Chair: The next delegation is the Association of Day Care Operators. I have Peter Knoepfli and Diane MacBride. Good afternoon to you.

Mr Peter Knoepfli: Mr Chairman, committee members, my name is Peter Knoepfli. I'm the president of the Association of Day Care Operators of Ontario, and with me is Diane MacBride, a director of ADCO and the past president. We are pleased to be able to make a presentation on Bill 152 today and hope our comments will help you as the bill moves forward.

The Association of Day Care Operators of Ontario is the sole organization in the province representing the private child care sector. It is also the only organization in the province that represents the operator of licensed child care centres in Ontario regardless of auspice. ADCO was incorporated as a provincial association in 1977. Our elected board of directors is made up of representatives from all types of child care programs. The association's mandate is to act for the membership to promote quality in the child care sector and to influence public policy towards this end. It is from this fairly wide perspective that we focus our comments today.

Bill 152 handles many different issues. As our concern is the child care field, our comments will be directed to schedule C, Amendments to the Day Nurseries Act.

The bill is attempting two things: to reorganize the funding arrangements between the funding partners and tighten up the management structure of the system as we see it.

The end result of the funding arrangement changes will be to have the municipal level paying 20% of the all the costs associated with managing the child care system and the provincial partner paying the balance. The goal is commendable and ADCO believes that in the end it will give all the parties in the child care field a clearer picture of the true cost of Ontario's child care system.

However, we would like to point out one potential area of concern. In the Municipal Act, section 111 states that a municipality may not provide grants to independent private businesses. Specifically it states, "...a council shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses in aid thereof," and it goes on to specify certain other types of payments. If amending leg-

isolation is not passed to counteract this clause, it is possible that municipalities may use it to deny independent operators access to the wage subsidy program. In fact one municipality, to my knowledge, has already done this in the case of capital grants.

The wage subsidy program was started in 1987 with the direct operating grant, added to in 1990 with the wage enhancement grant and increased again in the early 1990s with the pay equity grant. The result is a salary enhancement of up to \$9,000 per full-time staff. The unfortunate aspect of this program is its uneven and inequitable distribution. Some staff receive the full benefit and some receive nothing. The criteria for distribution have nothing whatever to do with staff performance or job description. They have only to do with the corporate status of the employer and the date the employer was first licensed.

Currently, early childhood educators working in the independent sector are the losers in this program, as they can access the fund only to a maximum of just over \$3,000, while those working for newer centres receive nothing. ADCO is concerned that those receiving the grant do not lose what they have at this time. Our long-standing position on the grant program recommends that it be phased out. However, ADCO was willing to accept the proposal from the Ministry of Community and Social Services in September 1996 that the program be equalized. With the existing inequities, we cannot accept the possibility that this legislation, in conjunction with the Municipal Act, could further jeopardize our position with the wage subsidy program before steps can be taken to equalize the situation.

Further, we note that the government does not plan to appeal the court ruling which would reinstitute pay equity legislation for all child care operators under the proxy comparison method. Again, independent operators have received no funding for the additional costs of implementing this program, while operators of non-profit and government-run centres have been subsidized. We hope the government would treat all operators equally in terms of funding for the future. ADCO sees Bill 152 and its funding goals as an opportunity for the government to balance and equalize the funding arrangements not just with municipalities but with the service providers as well.

The second goal of this legislation is to reduce the number of participants in service management. The result should be a more streamlined service, easier to control and easier for the clients to access. It is hoped that with fewer service managers, it will be easier to develop a more balanced approach. Each of these service managers or, as the act refers to them, delivery agents should work towards providing a more equitable service to the families of Ontario. ADCO would like to see one of the results of this legislation to be that families in all areas of the province would have access to the same level of service and assistance in their child care needs.

While ADCO can support this move and the potential benefits to the system, we have some reservations about the direction. There are three basic functions in the child care field: service provision, which are the centres them-

selves; the fee assistant program; and the licensing component. ADCO believes strongly that these three functions should remain separate. Any blending of these functions will lead to a conflict-of-interest situation. As you can appreciate, if municipalities are allowed to license as well as operate their own centres, they would wind up in effect licensing their own centres, which we feel is a distinct conflict of interest.

With the introduction of delivery agents, it appears the government is attempting to sever the fee assistance program from the other two functions. ADCO is strongly in favour of this move and hopes the delivery agents do not become just another branch of the municipal child care management division. However, initially the licensing component was to devolve to the delivery agents as well. ADCO is strongly opposed to the municipalities and/or the delivery agents assuming this responsibility.

We also caution that in moving in the direction of more local responsibility, there is the potential of provincial policies being misinterpreted and applied unevenly across the province. As responsibility for applying policies is spread, the control and reporting become even more critical.

We have enclosed copies of some of our more recent papers for your information. They include *The Municipal and Provincial Roles in Ontario's Child Care System* and a paper called *Funding in Child Care*.

Thank you for asking us to come here today. We hope our comments will be of some help in your deliberations and we would welcome any questions.

The Chair: Thank you very much. We probably have enough time for a round for each caucus. I'll start with the NDP.

Mr Silipo: I don't have any questions. I think the position the association makes is quite clear. Certainly, from my interaction with the association in the past, we've been quite clear about the fact that we disagree fundamentally on the role of public funds for private for-profit child care centres. I haven't changed my mind, you haven't changed yours, so we'll continue to disagree.

Mr Steve Gilchrist (Scarborough East): Thank you both for coming before us here today. I have a couple of questions for you, because unlike Mr Silipo I'm still very open-minded on a number of issues. I think you raised a couple of points that are very important, that whether or not Mr Silipo said it's appropriate for the government to be funding in a particular direction, it's just as unfair to have the current system, I would submit, where only some early childhood educators are allowed to apply for it and where we have very different funding arrangements between municipally owned, not-for-profit and then privately owned operators.

Earlier today the minister started off our hearings by saying that we've seen an increase in the number of licensed child care spaces by 9,000 since we were elected — 3,500 this year. Have you any statistics where those new spaces are being created? Are they being created by the municipalities, by non-profits or by the private sector?

Mr Knoepfli: I would say they're not being created by us, not by our sector. I'm not really aware of where those spaces would be coming from.

Mr Gilchrist: Would the fact that your association members are not making those new investments be tied to the current funding differences?

Mr Knoepfli: Absolutely, fundamentally.

Mr Gilchrist: Could you share with us the disparity, if there's a day care operation in Metro Toronto here, for example, how much per child per day a municipally owned, a YMCA-owned, and then finally what a private day care would receive in terms of a per diem?

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Mrs Diane MacBride: In York region, where I'm from, the fees have been frozen by the region. We've had no fee increases since January 1, 1990. I'm finding that my counterparts in the non-profit sector are probably charging \$150 a week where I have been charging \$125 a week, so there's a fair amount of difference. The staff in the non-profit sector would receive the \$9,000, where my staff would receive a maximum of \$3,000. But we're the first region that does not have any regional centres. I think they saw that there would be a conflict of interest, so we do not have any regional centres. We only have the two sectors right now.

Mr Gilchrist: The status quo in Metro doesn't apply where you've got a third level, namely, the municipally owned ones that get an even higher grant allowance.

Mrs MacBride: You have to remember too that they also get the pay equity. Our staff do not get that either. That's another \$2,000 a year.

Mr Knoepfli: There's a net difference of about \$6,000 per year per full-time staff person. Actually, with newer centres it's more than that. It's the full \$9,000, because new centres get nothing.

Mr Gilchrist: How do you see this bill, given that it's requiring the municipalities to very directly be partners in terms of funding, changing their views on whether they should be in the day care business themselves or whether it should be operated by others? Do you see it having any impact in that area?

Mr Knoepfli: No. Municipalities have varying views. It depends on which municipalities you're talking about. Metro, for example, runs a large number of its own municipal centres. They firmly believe they should be in the day care business in terms of operating as well as distributing fee subsidies and they will be, of course, distributing the wage subsidy. They'll be doing all three. Likewise, Ottawa-Carleton is in the same position, where they feel they have to intervene to operate themselves. There are other municipalities where that isn't the case, where there are no municipal centres, some of the outlying municipalities, and there are a few that have no subsidized fee assistance that don't have a program in place at this point.

Mr Frank Klees (York-Mackenzie): Thank you for your presentation. I just have a question. Given the level of subsidization the non-profit sector has had over the years and the fact that you as the private sector have had

to deal with the realities of the marketplace without that subsidy, how have you stayed in business? How have you managed to do that?

Mrs MacBride: By becoming quite creative. We've had to. We've had no funding. The bottom line is that the staff don't get paid the same that they would in a non-profit child care centre. If my staff were to get that, if that were the case, then they'd be paid more than my local counterparts.

Mr Klees: I hear constantly that the quality of care that's being delivered through the private sector is not up to the same standards as in the non-profit centres. Could you comment on that, please.

Mrs MacBride: It was something we were talking about earlier. We've always felt there should be top-quality programs. ADCO will be the first one to step in, if we know that a program is not up to that, to try and have it closed down. We've been very supportive, only wanting top-quality programs and realizing that the bottom line to everything is good-quality staff.

Mr Knoepfli: The only comment I would make is that I think the quality issue is a red-herring issue. If you talk to people who are out and around in all kinds of centres all the time, like the municipality people themselves, they will tell you there's a range of quality, regardless of auspice, from good to bad in whatever sector you want to choose. I don't really think it has to do with the fact that we're private and somebody else is non-profit. I think it has more to do with management than anything else, and I've said that before. Where you find good management in place, you find that operators have the ability to cope even when they're not receiving as much money as might otherwise be the case.

The Chair: Mr Knoepfli and Mrs MacBride, unfortunately we have run out of time. On behalf of the committee, I thank you for giving your presentation to us.

ASSOCIATION OF LOCAL PUBLIC HEALTH AGENCIES

The Chair: The next presentation is the Association of Local Public Health Agencies.

Dr Robert Kyle: Good afternoon, Mr Chair. I'm Dr Robert Kyle, president of ALPHA, and with me are Mr Bill Wensley, a provincial appointee representing boards of health; Dr Sheela Basrur, representing medical officers of health; and Mr Gordon White, ALPHA's executive director.

ALPHA represents Ontario's boards of health and our membership includes boards of health chairs and members, medical officers of health and health unit management staff. I would remind the committee that our members were in front of the standing committee on social development when the Health Protection and Promotion Act was enacted 14 years ago, doing much of what we are doing today, which is fighting for a strong public health system.

We recognize that the provincial government has tried to amend the HPPA to reflect the change in funding re-

sponsibilities by introducing strong legislation, which we support in general. But there are still some holes that need to be fixed. We are encouraged, however, with recent discussions with government and trust that our concerns are being addressed as we speak. However, we are still bringing our issues forward today for your consideration.

We have distributed to you a detailed brief, but in the interest of time and given the lateness of the day, I'm not going to read it in its entirety. I'm going to focus on its recommendations instead. However, before proceeding, I just wish to focus on three issues which the recommendations cover.

Just a few words with regard to the executive officer position, which you've heard about previously: As you know, currently medical officers of health are executive officers of boards of health and are responsible for the management and administration of health programs and services and business affairs. The Bill 152, schedule D, section 67 amendments assume that the responsibilities for the managing and administering of health programs and services and business affairs can be separated from the delivery of public health programs and services.

We wish to note to the committee that prior to 1983, when the HPPA was first debated, business administrators, in their role as secretary-treasurers, were responsible for the health unit budgets and administration. This caused a great deal of confusion with regard to who took the lead in determining the overall priorities of boards of health, and the HPPA made the MOH executive officer to correct this ambiguity. We hope the amendments that are before you are not a step backwards. We don't think it makes sense at this time to return to the past when public health is facing so many uncertainties in its funding and the consequent survival of programs and services.

Why is this a problem? Without an MOH managing the overall affairs of the board of health, they may not get the financial resources to be effective. For example, if the MOH didn't have control over health unit staff and resources, last year's measles campaign, which immunized two million schoolchildren, may not have happened; or just as bad, it may have had only good coverage in 75% of the province. The resources, staff and dollars had to be pulled together to make the campaign work. In this new system as proposed, this campaign might have failed.

Some may say, "What does a doctor know about running a health unit?" Plenty. Today's qualified MOHs are trained in managing budgets, health law, health administration and in general how to be a CEO. This is part of the community medicine specialty curriculum of the Royal College of Physicians and Surgeons of Canada.

In summary, ALPHA believes that in order for public health to be delivered effectively, the MOH should remain as the executive officer. At the very least, we would agree with the OMA that ALPHA wants to make sure all MOHs have the right to report directly to their boards of health and not through another manager — not just by written report but directly to the board of health in open meetings. This is not in the legislation now and ALPHA wants it in.

To this end, we have some specific recommendations which I will refer to in a moment.

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The second issue, monitoring and accountability: Right now, local medical officers of health in Ontario are free to report to anyone, the Minister of Health, the board of health, the public, the chief MOH, on the health status of the community. The MOH can do this without fear of being fired, without fear of political interference; they can report this freely.

Effective January 1, this may change. Now the MOH and his staff may have to wait until the Minister of Health asks for information. Is this progress? What if the Minister of Health doesn't ask for support? More specifically, if the proposed section 86.2 is enacted as written, it is not clear whether duty to report information, if requested by the minister, pertains solely to the board of health members or includes medical officer of health. There must be a clear and explicit duty for local MOH's to report directly to the minister on health matters in their area. ALPHA wants this in the legislation, and again, we have specific recommendations to address this issue.

Finally, with regard to the scheme determining obligated municipalities and their financial requirements, we anticipate that there's going to be a cash-flow problem on January 1, 1998, for all multimunicipal boards of health. There will also be great confusion on who the payors will actually be at the local level.

Again, we have specific recommendations. If you wish to turn to page 11 of our brief, I'll run through them very quickly.

Our first recommendation relates to the executive officer. We recommend that the medical officer of health continue to serve as executive officer. However, as circumstances arise that require another executive officer, then we recommend that the medical officer of health continue to report directly to the board of health on health matters and the provision of public health programs and services. We've given you some suggested wording beside the two bullet points.

With regard to the second recommendation, the provisions for monitoring and accountability should be strengthened with the amendments that state explicitly the minister "shall," not "may," appoint assessors for the purposes of the act; assessors "shall," not "may," carry out assessments of local boards of health for the purpose of. Finally, we have strengthened in the next bullet what content of the information should be reported to the minister.

In addition we recommend, in the tradition of the chief MOH reports, that the minister or chief MOH report annually to the public on the health of the people of Ontario and the provision of public health programs and services so we can see at the end of the day what impact the downloading has had on public health.

Finally, we recommend that the local medical officer of health shall report directly to the chief MOH on matters related to the provisions in these reports. With regard to the uncertainty facing many boards of health regarding interim funding levels and immediate cash flow come

January 1, we recommend that the regulation specifying default payments by obligated municipalities be in place by January 1, that a provincial contingency fund or comparable mechanism be in place so that boards of health can be assured that their expenses will continue to be met come January 1 until budgets are established by their obligated municipalities. The regulations must be revised to clearly specify existing municipal funding partners for the multimunicipality health units. Finally, any change to the interpretation of municipal funding partners must be accompanied by a review of the designation of municipal appointments to boards of health.

Our fourth recommendation deals with potential pieces of legislation that are potentially conflicting, and given that we're in a 100% municipal funding environment, these perhaps need to be addressed. Namely, we recommend that the HPPA take precedence over the Municipal Health Services Act; that it take precedence over the Municipal Act and Municipal Affairs Act; and boards of health are accountable to the ministry for all aspects of their responsibilities related to the provision of health programs and services.

Our fifth recommendation seeks to continue to protect confidential health information, either information that may be disclosed in the course of an assessment or if the medical officer of health is not the executive officer of the board of health.

Our sixth recommendation is that the term "public health education," which is one of the mandatory health program and services areas, be replaced by the more precise and accurate term "public health prevention and promotion"; and finally, that the confusing term "guidelines" be replaced with the more accurate term "standards." I apologize for racing through the recommendations in the interests of time, but our brief gives you the background information as well as the arguments in favour of the recommendations.

In conclusion, I thank the Chair and members for this opportunity. We would be pleased to answer any questions the committee members may have if there's any time available.

The Chair: We have time, Dr Kyle. Do any members have questions?

Mr Hudak: Thank you, Chair. I wanted to get to your recommendation for subsection 67(2), where you talk about the support and delivery of health programs, who is to report to the medical officer of health and under what circumstances.

The municipalities will come from this view, I expect, during these hearings: "Why don't we just set up two silos for things like payroll, ordering forms, ordering paper, the truly administrative parts that may not be directly related to ensuring that a public health standard is maintained and enforced or enhanced?" Do you see any way of finding some common ground with that position, where a municipality per se then could find some savings in the administrative side that perhaps could be reinjected into a health care program?

Dr Kyle: In my experience, I'm not sure there actually is a problem. I work in a regional municipality. In my health department we have an administrative support infrastructure which currently is responsible to myself as a commissioner and medical officer of health. In addition, the region has some support departments: a human resources department, a legal department, a finance department and so forth. The line departments, health, social services and so forth, in essence are clients of the legal department, HR and finance. With the act as currently written, I'm not aware that there have been any problems in certainly my regional municipality, so I'm confused as to why there need to be any changes, because in my experience it's working quite well.

Mr Hudak: Would there be a different degree, maybe, of sophistication between the administrative structures in the county and a region, where a county might find some advantages and make some savings on the administrative side of things?

Dr Kyle: I'm less familiar with the county government situation. I suspect that some boards of health may contract with county government for some of their support services. Whether these amendments may lead to greater harmony and perhaps savings, I'm just not that familiar with it. I did work for a freestanding board of health and we did from time to time rely on the city for services. Gord, did you want to comment on this.

Mr Gordon White: Only that I suspect that Bill might be better. Bill is the chair of a board of health for a county regional board of health.

Mr Bill Wensley: I don't believe there would be any reason why the medical officer of health, given a new system of funding in relationship with the county — I see no reason why there wouldn't be this sharing automatically. It would just make sense to me. Like Bob, I don't really see a problem there.

The Chair: We are out of time. We thank you very much for coming and giving your presentation to us this afternoon.

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CO-OPERATIVE HOUSING FEDERATION OF CANADA

The Chair: Ladies and gentlemen, the next presenter is the Co-operative Housing Federation, Bill Morris. Good afternoon, Mr Morris.

Mr Bill Morris: Good afternoon, Mr Tilson. This is our first chance to address downloading in that this bill is of course fundamentally about the implementation of that policy initiative. Not surprisingly, I think, we're here to oppose the bill on two fundamental grounds: first, that the overall initiative is ill-advised and, second, that its implementation is premature.

The downloading of housing, which is what I would like to specifically dwell on, has no public policy basis. It's merely a convenient way of achieving another objective, that being provincial full funding of education. Housing is just a convenient piece to try and make the

numbers add up. Coincidentally, it is the largest piece, at \$905 million and change. None the less, no public policy rationale has been provided as to why this is a good idea. I'd like to provide some reasons as to why I think it's a bad idea.

First of all, housing in the Canadian context is not a municipal responsibility. It is a shared responsibility of the federal and provincial governments. I know of no jurisdiction in the world that funds its housing programs out of property taxes, and I think there are some pretty good reasons why. Sticking municipalities with the responsibility for housing leaves them with no way of meeting their needs for future affordable housing. Indeed, there are serious questions as to whether or not they can meet the burden of the programs they are having foisted on them.

Second, it does not achieve disentanglement; in fact, it does the opposite. It adds another layer of government, the municipal level, to an already complex field that includes the federal and provincial governments. I say this because the province has acknowledged in its downloading announcement that it is not vacating the field. It will remain around to set broad standards and monitor them. It will also remain in the ownership business in terms of the Ontario Housing Corp.

The initiative will also create more bureaucracy at the municipal level. The plan is to have 50 upper-tier municipalities take on the administrative responsibility. Right now we have one provincial government that provides that function and we're going to trade it for 50 at the municipal level — 50 untested administrative bureaucracies at the municipal level, I might add.

The volatile program costs are also one of the reasons that I think this is a bad idea. There is a real mismatch between the volatility of these programs and the inelasticity of the municipal tax base.

Finally, in terms of this area, no one has recommended this. Crombie, Golden, everyone else who has ever been hired to look at disentanglement and Who Does What has specifically said this is a bad idea. Crombie and Golden have both come out and said that they think sticking the municipalities with this expense is wrong.

I would like to turn now to the cost question, because this is something that has bedevilled us and the municipal leaders who have been trying to get a handle on in fact what are the costs since this announcement. We first wrote the ministry formally asking for information about their costs, so we could do some assessment, back in February. We've never received a response. We've followed up on a number of occasions and have still not received any data that would lead us to determine that the liabilities that are being given to municipalities are going to be able to met.

I'd like to point to a couple of areas in light of the announcement this week of additional data which, I would submit, showed us nothing more in terms of the costs of housing. I'd like to highlight a couple of those areas. The repair costs for our public housing stock after years of mismanagement are staggering. The \$42 million that the province has suggested as a one-time contribution to deal with that is really a drop in the bucket. No independent

assessment has been done of the repair needs. The corporation's own minutes of last year show that there's over \$500 million in repair needs; \$42 million doesn't do it.

The replacement reserve systems that we rely on in the condominium sector and in the non-profit and cooperative sector have been taken away in the past. Some of that has been returned, but right now, based on the numbers that have been provided, the levels of replacement reserve — these are the funds that allow co-ops and non-profits to pay for the roof and other major expenses when they come up. Those commitments to ensure that those replacement reserves are adequate have simply not been made.

In the case of OHC, it appears as though there's nothing in the way of replacement reserves that's going to ensure that those buildings can be managed by municipalities in the long run. Unlike senior levels of government, that can go into debt, that can find other ways of raising funds and have traditionally paid for the repairs in OHC by allocations, municipalities don't have that luxury because of, again, the inelasticity of their base.

Our analysis, looking at the numbers that have been made available, suggests that the \$905 million, which the government is saying is what the cost is going to be to municipalities, is about 20% to 25% below what is required to make the system work.

The last area that I'd like to highlight in terms of cost is interest rate fluctuations. Again, the material that was released earlier this week was silent on that, other than to say that it was an area that needed to be addressed. Interest rate fluctuations on \$9 billion worth of mortgages result in very, very large increases or decreases in the amount of money that's paid out because that's a liability that governments undertake in these programs. A 1% increase in interest rates will result in an increase in costs of \$111 million. Last week we saw the Bank of Canada increase the prime by a quarter per cent. That was \$25 million added to the costs just in terms of the kind of money that we can buy, and Mr Thiessen hinted pretty broadly that those increases are going to continue.

If the numbers don't add up, municipalities are going to be faced with a very grim choice: either to raise taxes to cover these costs or to cut services. When we look at cutting services in housing, we have some pretty grim choices to make. We have grim choices because the bulk of the dollars goes to support low- and moderate-income people, to provide them with rent supplements so that they can live in that housing. I don't particularly like the option that we would be looking at in terms of having to either jack the rents up on vulnerable people or evict vulnerable people, but that's exactly what I've heard municipal leaders talking about if they have to make ends meet.

The reason I believe it's premature is that the numbers aren't in. As I've just demonstrated, there simply hasn't been the data provided that should give anybody comfort that the dollars are going to be there to meet the need. Secondly, the process of reform, which has been under way for some time, is just starting in earnest. The advisory council that the minister appointed has only just reported. It essentially reported and recommended a whole process

to go through in order to determine whether change will work and in order to try to map that change.

The haste in meeting the downloading timetable threatens these reforms. Satisfying other objectives in terms of downloading threatens the quality of reform.

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Finally, I would suggest, given the response from municipalities, that this is a burden which municipalities are not willing to take on. They have not asked for it and they show no inclination to want to take it on.

As someone who represents housing providers, it concerns me greatly that the level of government that we would be dealing with would in fact be a very reluctant level of government to take us on. We've seen this kind of thing in the past and generally it does not lead to good programs or good program administration.

I'll leave it at that for now and answer any questions that people have.

The Chair: Yes, Mr Morris, we do have time for questions. Mr Sergio.

Mr Mario Sergio (Yorkview): Mr Morris, thanks for coming down. I have a number of questions but time doesn't give us justice.

Indeed, Mr Crombie, after he completed his report, was saying to Mr Leach, "Whatever you do, do not transfer or download housing or social services," because he knew what that meant. Of course, there was the perfect out for the government and Mr Leach because he said at the beginning, I remember him writing me back in January: "We're going to be selling blocks of housing that we now own. We're going to clean them up, fix them up, and we're going to sell them." Then he found out how much that was going to cost and he must have had a very sudden change of mind. Then he says: "You know what? Pass it on to the local municipalities." Beautiful, wonderful.

Do you really believe that municipalities, especially within Metro, where we have a large concentration, can support the millions of dollars to refurbish, repair and maintain the 84,000 or so public housing units without affecting the tax base?

Mr Morris: Not at all. The report that was done by KPMG just near the close of the last government identified over \$200 million worth of repairs. Again, I see nothing in the data that has been provided that would lead me to believe that the dollars are going to be there to do the investment that's necessary. That's just the immediate repair needs; it doesn't speak to the ongoing repair needs.

Let's face it, these are buildings in the OHC portfolio, 80% of which are more than 20 years old. In Metro, most of them are over 30 years old, and in many cases are in need of serious repair. If anybody has recently taken a tour through some of our public housing communities, I can't believe that anyone would conclude anything except that there is a need for serious reinvestment in order to make that stock viable and to ensure that it's there to meet the housing needs of the residents who are currently living there and who would rely on living there in the future.

Mr Sergio: I see now we have a five-year waiting list for needy accommodation. I believe we all know, includ-

ing the government, that if they don't have the millions of dollars to maintain the existing stock, there won't be any money, especially from the local municipalities level, to provide new affordable accommodation.

Mr Morris: Very true. I've never said anything about government supplying housing except that it's an expensive business, because essentially what you're trying to do is to bridge the gap between the incomes of low-income people and the cost of the marketplace. That's a serious undertaking from a financial point of view.

I will also argue that I think it's a serious mistake for societies not to attempt to address that. The long-term social and economic cost of ignoring that problem, which is what we're doing now, is staggering. I think we're just beginning to see the results of a government that decided to get out of the housing business. I don't see any evidence that the private sector has filled the gap. In fact, the numbers are pretty clear. The production of rental housing has simply dropped off the map. There is plenty of construction out there in the ownership end and almost none in the affordable rental side. I don't see any indication that that's going to change.

The Chair: Thank you very much, Mr Morris. Unfortunately our time has expired. We thank you for coming.

JOSEPH PEMBER

The Chair: Our next delegation is Woodstock Ambulance Ltd, Joseph Pember. Good afternoon, Mr Pember. You have 15 minutes to make your presentation.

Mr Joseph Pember: I get to watch this a lot on TV. I guess I sometimes regret I wrote and asked to come, but I feel so strongly that I had to. I'm here to speak about the ambulance section of Bill 152 and very little about the act in itself, other than that I personally think it's poorly written. It's written to protect the bureaucracy. It doesn't reflect where the government wants the system to go to, and that is back to the local municipality.

Saying that, probably other speakers have spoken on that a little better than I'll ever be able to do, but the concept of the ambulance going back to the municipalities, back to where I used to be 38 years ago when I got in the ambulance — it was non-regulated. The type of service you got was dependent upon where you lived. It was a mess, but not everywhere in Ontario. There were some pretty dedicated men and women out there working.

In those days we called ourselves emergency service workers. Today, that does not apply because of the training the kids get. They're emergency service and they're health workers. I guess my problem is, and I've worn many hats, like many of you have, that fundamentally, if we're health workers we have no business being at the local level. Health care shouldn't be on the property taxpayer.

If we're emergency service workers, then somebody down in this place has to decide what we are. I'm not here to make any friends, because quite frankly, in the last 10 to 12 years, as the democratic system works, all of you parties got a chance to have a kick at the can. I'm the can

that has been kicked and so are my employees. It's a tough job. I don't do it any more. I retired a year ago, but it's tough. It's tough to find out you're a civil servant one day and a crown employee the next day. Am I going to get funded from here? I've got the bureaucracy down here in Toronto trying to manage me.

I do know, back in Woodstock, in Oxford county, when the beeper goes off it's my responsibility to get an ambulance there. I'm telling you, I'm sending professional people there. These kids are well trained today, they're well equipped. They're something I never was and I couldn't be today myself, but I'm telling you I'm pretty proud of them and I don't think we have any business going back to private contracting, where every five years you get a kick at the can.

You people in Toronto have had it pretty good from us, and I say "us," the men and women in the field, no matter if we're private, municipal, who we ran. You've had a pretty good system. I just kind of feel we've been shuffled on the pile to balance out the books. I guess that's it, Mr Chairman.

The Chair: Thank you very much. Mr Silipo.

Mr Silipo: Thank you very much, Mr Pember, for your presentation. The point that you've made, we're beginning to hear I think more consistently in a number of presentations today. I think there's a sense that I heard you talk about, which is, why deal with this issue in this way? Why put health and ambulance services on to the property tax base? On a policy rationale, there doesn't seem to be one, except that it had to be put into the mix in order to find sufficient dollars to trade back and forth.

I guess within this area, the ambulance services area, there's also a sense, and this is what I wanted to ask you about — I take from what you're saying that the system as it is now has evolved and clearly is generally working and so why fool with it? Is that a fair characterization?

1650

Mr Pember: It's working better today than it ever has and it's a combination of a lot of things. If anybody knows me, I've fought the bureaucracy for some 30-odd years, and I'll tell you, they have not helped a lot going down the road. But we are today health care workers. We are not emergency service: Get an ambulance here, throw them on a stretcher, rush them to the hospital. Those days are gone, and, God forbid, they are gone. It doesn't matter if my employees work for Joe Pember or work for the hospital or Metro Toronto here; they graduate from the same schools, they take the same courses, they do the same job. I might do it in Oxford county, but a patient is a patient. We spend a lot of time with that patient, going to the small hospitals, transferring them on to big hospitals and stabilizing them, both ways. So the responsibility today is great on the kids. I'm sorry if I call them kids, but if you've been around for 40 years here —

Mr Silipo: You can do that.

Mr Pember: I'm certainly not young.

Mr Silipo: What I would ask you next then is, what advice would you give the government? As I see it, they're now in a bit of a jam because they've gone down this

road, they've committed on the basis that they want to realign responsibilities. You're telling us, other people are telling us that in fact this isn't realigning responsibilities, this is in fact mucking things up in a number of areas. Yet they've embarked down this road. What advice can you give them that helps them get out of this mess that they're creating?

I think they are, albeit quietly, realizing that some of these decisions were made for the wrong reasons. They were not made because there was a good policy discussion and direction that said, "Yes, this is the best way that we could fund ambulance services in this case." It was because there was a ledger sheet and the numbers had to somehow balance out: "What do we put in there? Well, let's throw in local health services, let's throw in ambulance services. Maybe that'll help balance the pot a little bit." What advice do you give them about how they get themselves out of this one?

Mr Pember: I've been 25 years in the trenches in politics. If you find yourself in a bad position, don't be scared to back out. If you step any further you're just going to get deeper. I'll probably lose your support right at the moment. I'm a card-carrying Tory —

Mr Silipo: That's fine.

Mr Pember: — and I wish they would listen a little bit to me.

Mr Silipo: They might listen more to you than they would to me, so that's fine.

Mr Pember: I can say one thing. Every MPP we've sent from Oxford county has come back and said: "You know, Joe, you complain about the bureaucracy down there. Man, I understand a little bit about what you're dealing with." Every one of them, and that's from Charlie Tathan, a Liberal who's the best guy you'd ever meet in the world, to Kimble Sutherland, to Harry Parrott, to Ernie Hardeman of today.

The Chair: Mr Pember, we're going to turn to the Tories now. We'll let Mr Hudak ask some questions.

Mr Hudak: Thank you, Mr Pember, for your presentation. The operators were in earlier today and made some good points for our consideration. I wanted to ask you a couple of questions about that. Let's make sure that we have the record straight, that the province is going to maintain the standards for ambulances and make sure the equipment is up to par and of the highest standards, the ambulances are in good shape, training levels. We don't want to see any degeneration of any kind. In fact we want to strengthen the ambulance service. So one of the things that's going to happen in the year 2000 is municipalities will have the option of doing an RFP to decide who could best run the ambulance and give the best quality at the best price. Won't that help even to improve ambulance services in Ontario?

Mr Pember: No, because they think everybody's trying to shuffle. I've heard in the last week or two, "We can amalgamate fire and police and we can amalgamate ambulance with fire." I served on police commissions; actually I still am on a police commission. They're all distinct jobs; they're distinct professions.

That's the American way of going, but then if we're going that way, to the municipality — I'm putting my political hat on and my municipal hat on — then get rid of the bureaucracy in the back corner here. Get rid of it, because your local municipality and your local politicians will decide. If they're going to pay the fiddler, they're going to say what kind of service they want.

Mr Hudak: That's right, and that's what I'm trying to get at. It makes some sense here that municipalities then, through an RFP, will say: "Is this gentleman the best one? He's been in our municipality for a while. Is he the best one to run the service or shall we entertain the service from next door?"

Mr Pember: If I can interrupt for a minute, if it was just Joe Pember, just me, being bounced around to you, but I've got 30-some employees. What do you do with 30 professional kids and every five years we're going to contract them out? What do I do? You're going to say, "We'll change managers now, Joe." What do you do with them?

I'd say my employees are just as tired as I am of saying, "One committee wants to make us crown agencies, one to make us civil servants, one to make us this, one to make us that." God, folks. We work in the trenches out there. We don't need all this every time you people change governments. Just give us, the men and women, a break out there. I operate the ambulance service for less than 4% management. By the time I've paid my bookkeeper, I can tell you, I make about \$38,000 a year. That's pretty cheap management.

Mr Hudak: So what I see happening down there, if Pember runs the best ambulance services in his area, runs it for cheap —

Mr Pember: Oh, there's probably better ones than I run.

Mr Hudak: — then he gets the contract. But if you have somebody who was not running a great ambulance service who was getting the contract, year in, year out, maybe Pember could expand from his 30 guys to 50 or 60 guys and get a better service. That way, you'd have the best quality operators running services across Ontario.

Mr Pember: I know you're out of time. If the figures were given to you people right — and I mean you people, all of you — if the bureaucracy were truthful to you, they, would tell you right now that probably every county and region in this province needs enhancements, in other words, more shifts on, physically more ambulances. Every county and region. I could put my hand on the Bible and just about state that today.

You switch us over to the local councils and to the regional councils — we have enough trouble trying to control fire departments.

The Chair: We've got to move on to Mr Colle, please. It's your turn.

Interjections.

The Chair: You guys all look the same to me. Mr Sergio.

Interjections.

The Chair: I'm sorry. I withdraw that.

Mr Sergio: You're still a nice chairman.

Mr Gilchrist: Liberals one day look like NDP, one day they look like us.

Mr Sergio: Did I hear you say, Mr Pember, that you're working at 4% profit running your business?

Mr Pember: We work on a management comp. The association established that in 1982, I think. It works extremely well; in other words, no profits.

Mr Sergio: You also said that every area needs enhancement.

Mr Pember: Every region or county in some respects would need an enhancement in this province, right today.

Mr Sergio: If it needs enhancements today, how can it, either with the cuts or somebody else, deliver a better service even at 4%?

Mr Pember: That's what I'm trying to say to you, and I guess I'm not doing a good job. You've got a good system now, folks. You've got good men and women out here. You've got good management. We get in our little fights with the unions and all that kind of stuff. That's just nonsense. You don't see ambulance people out here picketing. It's not in their nature. At the end of a shift they want to go home and get their fishing pole.

Mr Sergio: So what are those regions really saying to you, to us? What's the message, really, for us here?

Mr Pember: Put good legislation in place. Fund us properly. Get your bureaucracy a little bit under control and work with us. The bureaucracy has divided ambulance people, from management to the employees to you name it. Right at the moment our associations are split because some don't agree with this and some don't agree with that. That's why I'm here today, to be quite honest with you.

Mr Sergio: Are you saying the system wasn't broken and now we are tampering with a decent system?

Mr Pember: I don't think it's broken. I think it needs some work on it.

Mr Sergio: A grease job, a little bit of tune-up here and there, you know.

Mr Pember: That's right, and we're not big payers.

Mr Sergio: So what is the message to the government, really, that you're sending here today?

Mr Pember: I'm saying if we are health care workers, then we belong on the income. If we're emergency service workers, in other words, no health, it doesn't really care if I stop your bleeding or not, that type of system, then send me back to the municipality, but then get rid of your bureaucracy. I don't think any of you people in this room want that to happen.

1700

Mr Sergio: Are you representing yourself or are you representing other people?

Mr Pember: I'm representing Joe Pember. I'm at the tail end of my career. I've got one kick at the can and I think I'm just giving it to you.

Mr Sergio: Well, it was good of you to come down. Thank you.

The Chair: Thank you for coming, sir.

TORONTO BOARD OF HEALTH

The Chair: The next presenter is Peter Tabuns from the Toronto Board of Health. Good afternoon.

Mr Peter Tabuns: Good day, Mr Chair. How are you?

The Chair: I'm fine. This committee is getting to know you very well.

Mr Tabuns: Yes, I'm seeing all of you almost as frequently as I see my colleagues at city hall.

The Chair: As you know you have 15 minutes.

Mr Tabuns: I understand, Mr Chair. As you note, for the record, I'm Peter Tabuns. I chair the board of health for the city of Toronto.

I want to first say that the public health section of this bill — you might not be surprised by this statement — does not in my opinion provide service improvement. In fact, I think it sets the stage for service reduction. I think it's a shortsighted attempt to save money now and I think it will result in very large cleanup costs later which will largely be borne by the provincial government. This legacy of cost and health care liability is one you probably don't want to incur.

Public health programs currently cost less than two percent of the \$18 billion in provincial health care spending. They serve mainly high-risk groups, including the poor. They're extremely cost-effective. Their payoff is huge. They save millions of dollars in health care costs by preventing diseases that sooner or later would require expensive treatment.

Come January, municipalities will be completely responsible for funding all public health services — those that have been previously cost-shared with municipalities and those that are now 100% funded by the province. This shift of responsibility from the province puts many of our basic health services at risk. Here's why.

First, public health is largely in the business of preventing disease; serving high-risk populations, as I said; and helping people make smart lifestyle decisions so they and their children stay healthy. Among other things public health provides prenatal care to high-risk moms so they don't have low-birth-weight babies; it immunizes children and the elderly; keeps restaurants safe, water clean; controls and reduces communicable disease; and serves people in high-need areas. The biggest payoffs from public health come years down the road. And that's the problem: When public health has to compete for money with more visible and immediate services such as roads, it and the public are likely to lose out.

Secondly, many communities don't want controversial prevention programs, however much they are needed. This means programs like needle exchanges, which help keep the rate of HIV in drug users low in Toronto, may not be offered in high-need areas. The result? An increase in HIV infection and AIDS that will cost lives and millions of dollars. That figure, those millions of dollars, will come out of the provincial treasury, not out of the municipal treasury.

Third, the province says it will continue to set guidelines for services. I have to ask, where will you get local support for provincially mandated programs when there's no money to pay for them? You may get something that looks like public health but has virtually no content. This province says its guidelines will ensure a common set of services across Ontario. The reality is that guidelines mean nothing if the province doesn't have the resources and the political will to monitor and enforce them. The result will be a mixed and uneven level of service across communities with the province able to intervene only after a problem has occurred.

If the province continues on this shortsighted path, it should at least ensure that it continues to fund the programs that it currently supports with 100% funding. In its submission earlier today, the Association of Local Public Health Agencies, ALPHA, called for 100% provincial funding for the following programs: sexual health, tobacco use prevention, public health research education and development, children in need of treatment dental program, and infectious disease control.

ALPHA's submission makes sense. First, sexual health and tobacco prevention programs are cost-effective ways to reduce health care costs, yet they are very vulnerable at the local level. With provincial funding, health units and agencies have been able to develop a continuum of service across Ontario, from education and promotion to clinical care and sexual health, which is unique in Canada. Do away with provincial funding and watch doors close on agencies such as the Hassle Free Clinic and the Immigrant Women's Centre, see the rates of sexually transmitted diseases, HIV and AIDS, and women's health problems rise, and you'll see smoking programs decrease and smoking rates increase.

The second area I want to talk about is that of children in need of treatment, CINOT, the dental program. Local health units administer this program for children in pre-school to grade 8, making sure they care for severe dental problems. There's no guarantee that the city of Toronto, or any other city in Ontario for that matter, will fund the program. The result will be children with chronic dental — and learning — problems which we will pay for later. Again, it would probably be the province that would pay for this through medical costs, and where learning problems are created, through dealing with people who are unemployed or people who are in trouble with the law.

The third area is that of public health research, education and development. The teaching health units, research and education programs ensure public health staff are up to date on the best public health interventions. We must be able to evaluate the programs we provide if we're to deliver the best possible services and not waste money on those services that are inefficient. Funding for this program disappears January 1. Bill 152, the so-called Services Improvement Act, won't save money; it will cost money, provincial money — a lot of money down the road when governments have to pick up the pieces for shortsighted decisions.

I suggest you could look at a number of examples to get a sense of the kind of cost that is involved here. We can learn from other situations, for instance, insufficient public health services for disease control in New York City, where tuberculosis has been characterized as out of control. In 1994, almost 3,000 cases were reported, far more than in any other US city and four times the national average. The cost of resurgence has been phenomenal. From 1979 through 1994 there were more than 20,000 excess cases of the disease in New York City, with each case costing more than \$20,000 in 1990 dollars, for a total exceeding \$400 million. Left unchecked, these costs may exceed a billion dollars, a great deal more than the cost of tuberculosis prevention measures for the city. Again, it would be the province that would pay for hospitalization and drug therapy for those who contract tuberculosis, not the cities. If we don't have the money to prevent disease, you're going to pay for curing it, if cure is possible.

Closer to home, on the positive side, needle exchanges such as that run by the city of Toronto are cost-effective in reducing the risk of HIV and other communicable diseases, saving direct health care costs, such as \$100,000 for each HIV patient, again a tab that the province will pick up if we don't prevent the disease from being passed along.

According to one report: "The annual cost to the health care system of treating people living with AIDS in Canada has been estimated at over \$200 million. Other costs, including those related to lost productivity, insurance settlements and social services, could be as high as \$800,000 per person living with HIV," a tremendous burden on society.

In another area, according to a report from the city of North York board of health, "Right now, heart disease accounts for 25% of all deaths in Ontario and costs approximately \$2.5 billion per year for treatment," again, \$2.5 billion that you, the provincial government, pay out. "Encouraging lifestyle changes on a large scale, as done by public health, has been shown to reduce the incidence of heart disease. However, this takes a long time — it has to be a long-term commitment."

Public health services are being watered down across the province, and the current municipal governments are facing the prospect of 15% cuts as a result of amalgamation. The money spent on public health is a drop in the bucket compared to how much money we're spending on health care as a whole.

The provincial government made a commitment to put the money from hospital restructuring into community health care, which is where it's needed. That hasn't happened. Instead the government is taking more money away from public health. Public health has few resources. When you take away those resources, you don't have much left. The result will be, ultimately, another Ontario Hydro. Toronto is already on the verge of a health care crisis resulting from homelessness and child poverty.

Cities that have huge disparities between rich and poor, cities that reek of poverty in core areas, are not healthy cities. They don't attract sustainable business. Eventually

the rot shows through. Families flee, businesses leave and the economy falters.

I urge you to make changes to this bill that will ensure continued provincial funding for the essential service of public health. I thank you.

1710

Mr Silipo: I don't really have a question, Mr Tabuns. I think you make the argument very clearly and very thoroughly. I just wanted to underscore at least one point you've made, two points I guess. The first was that very early in your presentation you said that part of the problem that we're going to see is public health having to compete for money with more immediate services and the problem that's going to cause. Then related to that, the second point, which you've made a couple of times during the brief, is that the government may be saving some money now but we're all going to have to pay for it down the line. I just wanted to underline those. If you want to expand on those, please do.

Mr Tabuns: Just briefly on the second one, it's like having a car and never changing the oil in that car. You may save money on the oil changes, but eventually your engine is destroyed. It's not an economical or sustainable way to run an operation, and what the province is doing is setting itself up for a very large medical cost liability at a later date. It's in the province's fiscal interest, setting aside the cost of human misery and all that, to ensure that public health is properly funded and operating throughout Ontario.

Mr Hastings: Councillor Tabuns, you mention that the HIV/AIDS program, by the way it's structured, saves about \$100,000, but you don't cite any figures for the continuing high increase of teenage pregnancies. For all the years we have had sexual education programs, it doesn't seem to have made a major dent in the turnaround. Would you concede that, or do you think I'm completely incorrect in my impressions?

Mr Tabuns: Mr Hastings, I can't correct you or contradict you. I don't have access to those figures. They are not at my fingertips.

The one thing I can say to you is that in the city of Toronto the HIV infection rate among intravenous drug users is around 7% to 8%, and that has largely been ascribed to the fact that we have a needle exchange program. In New York City, the previous mayor, Mayor Dinkins, because of political pressure, declined to set up a needle exchange program, and my understanding is that the infection rate among their drug users is in the 40% to 50% range. Similarly, I think in Edinburgh they took a very strong stand against needle exchange, and they had an explosion of AIDS infection in that population. Unfortunately, that population is not walled off from the rest of us. They are heterosexual and they are an access point for the virus to get into the general population.

I can't say whether you're wrong or right, but in terms of real impact, the work that we have done that has been funded by you, and that you should take credit for, has had an impact on containing the spread of the virus.

Mr Sergio: Councillor, an excellent presentation. Could you please touch briefly on privatization and how that would affect some of the service delivery here in Metro and in Ontario?

Mr Tabuns: On privatization of public health services?

Mr Sergio: You are familiar with privatization of some of the services that the province is thinking about?

Mr Tabuns: I don't have direct knowledge of that, and I'm not going to speculate on it.

Mr Sergio: Okay. I hear the answer from this —

Mr Tabuns: I'm happy to speak to privatization in other situations where I have actually looked at the research, but I can't in this situation.

Mr Sergio: Thanks for coming down.

The Chair: Thank you again for your comments. We appreciate that.

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

The Chair: Our final presenter is the College of Physicians and Surgeons. I have two names: Dr John Bonn, who is the registrar, and Dr John Carlisle, deputy registrar. Good afternoon.

Dr John Bonn: Good afternoon, Mr Chairman. Thank you for allowing us to present at the last of a long day for yourselves.

We represent the College of Physicians and Surgeons. Most people think of us as a regulatory and standard-setting body, but we're charged by legislation to bring forth issues related to human health care that our council considers desirable. Our council met last week and the 34 members unanimously felt that we should be approaching this committee with our concerns over this legislation. We're not opposed to the legislation, but we would like to draw some serious concerns that we have to your attention with the hope that you will incorporate them into the suggested amendments.

While the college believes that the government has proposed these changes with good intentions, we do have some concerns about how this will impact both municipalities and the quality of public health programs.

Starting with the accepted truth that Ontario has a public health system that is probably the envy of most of the civilized world as we know it as physicians, this province has set standards such that other jurisdictions regularly come to see how come we're doing such a good job. We are concerned that this legislation may take away from that quality.

We recognize the legislation sets minimum provincial standards for such programs and that chronic disease prevention, infectious disease control and family health programs will be mandatory. We recognize that the ministry will be able to appoint assessors to review boards of health programs to ensure they meet these standards. We know that the Ministry of Health and the chief medical officer of health will be able to respond to emergency health situations such as epidemics, when required.

Finally, we realize that provincial responsibilities will continue in the areas of disease surveillance, provision of vaccines and generalized advice to local health boards.

However, we still believe that problems will arise which could jeopardize the excellent public health system Ontario citizens have come to expect and which is required for the population to remain healthy in the long term. From our point of view, problems could arise in four areas.

(1) The standards that are going to be required are minimum standards. As municipalities strive to meet their fiscal obligations, programs beyond the minimum will be increasingly difficult to justify, especially in municipalities with a limited tax base. Are the citizens of Ontario in those communities being asked to be satisfied with programs that only do the minimum and no more?

(2) We're concerned that the assessors won't be there to maintain public health program quality. The process outlined regarding the appointment of assessors by the Minister of Health to review health programs is not defined, and we feel it's important that it be defined. We do not know if there will be sufficient assessors to meet program assessment needs or what criteria they'll be asked to use to judge compliance with ministry expectations. Without knowing what those expectations will be, it will be difficult to plan program development and funding.

Furthermore, we believe that moving the accountability for public health to the municipal level is fraught with danger. Contagious diseases do not recognize municipal boundaries. Poor health habits exist across the province but do respond to education. Food inspection and sewage control affect residents far from the sources of both. All these things make enforceable provincial standards necessary and essential.

(3) There is no provision for an ongoing review of these standards. We feel that such a monitoring must be put in place so that provincial standards are continually reviewed to ensure their current applicability to the public health considerations of the day. Without such an ongoing review, the standards could become obsolete and emergent problems or new public health challenges could go unaddressed.

Furthermore, and more important, a centrally funded agency is needed to ensure that research into public health and the design of appropriate solutions are undertaken on a province-wide basis. Likewise, a central agency should be responsible for gathering information on reportable public health problems.

(4) We're concerned that there is going to be a patchwork of public health services across the province. Some municipalities, especially those with a lower tax base or a high demand for core services, will find it very difficult to meet even a limited range of required services. Some services may be available in name only, and these deficiencies, if allowed to occur, will contribute to variations in the level of programs across the province, and we could up with a patchwork of care. Thus, some equalization formula should be considered so that this does not happen.

To address those concerns, we suggest to this committee that they:

Permit health units in less wealthy municipalities to obtain direct provincial government support for their programs when warranted. Put in place a process where this could be considered.

Permit those serving populations with exceptional needs to obtain additional support for their programs as needed.

Establish a monitoring system for assessment of compliance, which might include a mandatory reporting pattern to both the municipalities and the ministry.

A key item we would urge upon the committee is to establish a role for the chief medical officer of health in the collection and collation of information and research into public health needs and standards.

These standards and program requirements should be subjected to periodic review built right into the legislative amendments.

Finally, we would urge that the standards and compliance criteria not reflect minimum program targets, but instead include those needs which will ensure the best possible health outcomes for the citizens of Ontario. We know that this committee realizes that public health programs are a very cost-effective means of improving health outcomes. Last year, for example, public health accounted for slightly more than one per cent of the entire ministry of health budget. The assurance of appropriate funding in this area may save significant costs in other health and social service sectors.

That is our presentation and we welcome any questions.

1720

Mrs Munro: Thank you very much for bringing our attention to these issues. I have one question that is raised by comments you made on page 1, where you referred to the excellence of the public health system that Ontario citizens have come to expect. Then at the bottom of the page you refer to the draft standards that are developed to a minimum expectation. I just wondered if you could explain further. Are you suggesting that these draft standards are less than what we have today in the province?

Dr Bonn: If you read the legislation only, you don't get a reassurance that there will be a maintenance of the standards that are set today. It's a new program. I now take my hat off as registrar of the college and talk as a clinician who worked 30 years as a family physician in a small eastern Ontario town. The public health is a huge resource for the family physicians in this province and the patients they serve. We're very concerned that, as set out, this is a new package of legislation that nowhere states that the standards we have today will be maintained. They say a standard, a draft standard.

We know that the intention of the government is to ensure that is maintained. We're concerned that they're doing it in a way that doesn't ensure that. When we look at the fiscal difficulties our municipalities are having today, and we see what will now be downloaded upon them, without an assurance that the standards have to be maintained, that's why we voice this concern. We have no

doubt that those who are in charge, if they're made aware of these, will ensure those measures. That's why we're here.

Mr Hudak: I just want to bring up a point again for the committee, that I see the ministry's position becoming more of a focus on assessing and enforcing to make sure that these standards are upheld and in fact perhaps enhanced in some municipalities. A good portion of schedule D in the act details the powers of the assessor, even to the extent where he or she could enter premises of the board of health without a warrant to make sure that these programs are being adhered to. There are strong provisions as well through fines to recover costs; the lack of appeal I guess on decisions of the appeal board.

There are a great number of tools for the ministry to maintain that assessment and enforcement role, and quite a few strong ones that I think some municipalities may not react positively to, but there's a strong intent by the ministry to make sure that those standards are maintained. We have provided many routes for the minister and his assessors to go and ensure that these standards are at that level we want to see across the province of Ontario.

Dr Bonn: Sir, my job as registrar is to ensure that a person we licence performs appropriate medicine. I can't do it with a stick. It doesn't work. We try it. We have to convince our members that to practise good medicine you have to want to do it and you commit your resources to it. We're concerned that you're using assessors and force to ensure municipalities will provide a service and we're concerned that's not the way to do it.

Municipalities have their own unique problems. They cannot be expected to maintain the level of service in my community that the provincial government now does with the resources they have or are projected to have as a result of this bill. That's our concern, that you're using the assessors, the rules, the standards. We're talking health here, sir. We need people who are committed to doing it like the public health service you have now in this province are doing it. They're doing it because of a commitment to the job and the resources are there.

There's no doubt the municipalities will want to do this, but if you get out into the municipalities and you see the difficulties they struggle with, with all due respect, the knowledge and experience that this provincial legislature has is at a higher level than the municipal politicians have available to them. They don't have the resources. You're not talking a minor subject here, you're talking the health of the citizens.

We appreciate where you're coming from. We're concerned that there hasn't been the thought given to the consequences to that individual municipality that's called upon to provide a service that is way beyond their ability in resources and in technique, if you wish, or skill.

Mr Sergio: Doctor, thanks for coming down. I get from your presentation that the minimum standards that we have now are acceptable to your profession.

Dr Bonn: The minimal standards now in the province?

Mr Sergio: The minimum standards.

Dr Bonn: I would not describe the standards of public health in our province as minimal sir. They're looked at by many jurisdictions as ideal.

Mr Sergio: I'm saying that because I have another question coming up.

Dr Bonn: I know that.

Mr Sergio: If we base ourselves with the present proposed legislation here as maintaining those minimum standards and we know what the providers are doing today in Ontario, providing the health care system, and we are sceptical as well that those standards that we have now will not be able to be kept if cuts continue to be made to the health care system.

Dr Bonn: And the question?

Mr Sergio: The question is, what is the message to the provincial government here now, when they are saying, "We have to privatize certain services, we want to create a two-tier system of health care here in Ontario," how do you view the present situation with what the government is planning to do? You are afraid that the present standard will not be maintained. Is it because of this particular legislation here? Is it because of the direction the government is taking? What is it that bothers you and your profession?

Dr Bonn: Sir, we're not here for a political reason.

Mr Sergio: I understand that.

Dr Bonn: We're here for a health reason, regarding a specific bill. We are not opposed to the bill; we're just bringing to you, the committee that can have an impact, our concerns that sufficient thought hasn't been given to the consequences of requiring individual municipalities to perform services that are now performed as a blanket by the whole provincial system. That's our concern.

Mr Sergio: Yes. My other question was, if we are downloading the health care system to the local municipalities, with everything else, how can the local municipality maintain the standards we have now?

Dr Bonn: That's why we're here, sir. We don't know if they can. We're asking this committee to consider making their recommendations.

The Chair: Quickly, Mr Sergio, please.

Mr Sergio: Right, and the other part of the question was privatizations. Will municipalities be forced to privatize some of the health care system?

Dr Bonn: I can't comment, sir. I have no expertise on that.

Mr Sergio: Okay. I appreciate that. Thank you.

Mr Silipo: Very quickly, is it fair to say that on the basis of the advice you're giving this committee, the best way to achieve that would be for the government not to proceed with this piece of the legislation?

Dr Bonn: I'm not saying that, sir.

Mr Silipo: Okay, I'm not trying to draw you into the politics of this.

Dr Bonn: I appreciate that.

Mr Silipo: I appreciate very much the distinction you've drawn. The reason I ask that is because you have

said, "Here are all the caveats that you have to take into account," or, "Here are all the concerns that you have to address, government committee, Legislative Assembly, if you're going to persist down this line." Just in answer to a question now, you said to my colleague that you're not sure how the municipalities are going to be able to sustain the funding or address those issues. What I'm getting at is, are you comfortable that if the government addresses the concerns that you've outlined in the way you have, you can say to the public that the quality of health care can be maintained at least at the level that it is now?

Dr Bonn: I would say to the skill of this committee, and the skill of the government to bring in the final form of the bill, I can't see why it couldn't work. I don't have how it work. I can't tell you. I can't guarantee success. I can say to you that we are very concerned that unless suitable amendments are made, there will be problems in health care for the citizens of Ontario.

Mr Silipo: Okay. Thank you.

The Chair: Dr Bonn, Dr Carlisle, on behalf of the committee, thank you.

Ladies and gentlemen, that concludes our presentations this afternoon. We have a couple of housekeeping items that I need your assistance on.

SUBCOMMITTEE REPORT

The Chair: The subcommittee did meet before the committee this afternoon and I'm going to ask Mrs Munro to read the motion. I might add that this subcommittee report is conditional upon the dates that will be outlined in it, coinciding with the recess of the House.

Interjection.

The Chair: You never know what happens in this place, Mr Silipo, but we'll make it conditional upon that.

Mrs Munro: Mr Chair, I move the following motion of the report of the subcommittee:

"The subcommittee met on Thursday 9 October and agreed to the following:

"(1) That the committee will hold public hearings on the following dates: 24, 27, 28, 29 October.

"(2) Preference will be given to Toronto, 24 October; London, 27 October; Sault Ste Marie, 28 October; Ottawa, 29 October, subject to travel arrangements."

The Chair: Discussion. All those in favour? Opposed? The motion is carried.

I will remind members of the committee that amendments must be into the clerk's office on or before November 3, at 5 pm. The only other item that we will have to deal with at a later date is we will also have to have a clause-by-clause session and that will have to be before — again, Mr Silipo, conditional upon the House recessing.

Mr Silipo: Before November 17?

The Chair: Yes, indeed. If there are no other orders of business, I will recess this committee until October 24 at 10 am in Toronto.

The committee adjourned at 1731.

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of Ontario**

First Session, 36th Parliament

**Assemblée législative
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Première session, 36^e législature

**Official Report
of Debates
(Hansard)**

Friday 24 October 1997

**Journal
des débats
(Hansard)**

Vendredi 24 octobre 1997

**Standing committee on
general government**

Services Improvement Act, 1997

**Comité permanent des
affaires gouvernementales**

Loi de 1997 sur l'amélioration
des services

Chair: David Tilson
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Friday 24 October 1997

Vendredi 24 octobre 1997

The committee met at 1003 in room 151.

SERVICES IMPROVEMENT ACT, 1997

LOI DE 1997 SUR L'AMÉLIORATION
DES SERVICES

Consideration of Bill 152, An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda / Projet de loi 152, Loi visant à améliorer les services, à accroître l'efficacité et à procurer des avantages aux contribuables en éliminant le double emploi et en redistribuant les responsabilités entre le gouvernement provincial et les municipalités dans divers secteurs et visant à mettre en oeuvre d'autres aspects du programme «Qui fait quoi» du gouvernement.

ASSOCIATION OF SUPERVISORS
OF PUBLIC HEALTH INSPECTORS
OF ONTARIO

The Chair (Mr David Tilson): Good morning, ladies and gentlemen. This is the standing committee on general government. We are reviewing the Services Improvement Act, Bill 152, and we're here to hear some delegations. The first delegation this morning is the Association of Supervisors of Public Health Inspectors of Ontario. Good morning, gentlemen. I assume you are Harvey Bones and Oryst Zyhar. If you could identify yourselves specifically, you have 15 minutes to make your presentation to the committee.

Mr Harvey Bones: Good morning. My name is Harvey Bones. I am the president of the Association of Supervisors of Public Health Inspectors of Ontario, otherwise known as ASPHIO.

Members of our association direct and manage public health and environmental health programs in Ontario's health units. We coordinate the delivery, education, promotion and enforcement of the current food safety, water quality, rabies control, communicable disease control and infection control programs. We ensure the investigation and mitigation of diverse public health-environmental health complaints. In many health units, our members

direct and manage the part VIII onsite sewage system program under the Environmental Protection Act.

I wish to thank you for the opportunity to appear before the standing committee on general government. Also in attendance is Oryst Zyhar, director of the health protection division for the health services department of the region of York. Mr Zyhar has a diverse background in delivering the part VIII program. He acts as a consultant at times for the Ministry of Environment and Energy, and he's presently being consulted by the Ministry of Municipal Affairs and Housing.

The proposed changes to the Health Protection and Promotion Act are positive for environmental health. We are, however, prepared to suggest constructive changes that will strengthen public health programs.

First, the terms "reportable disease," "communicable disease" and "virulent disease" are defined. The term "infectious diseases" is used in the revised draft of the mandatory core program and services guidelines. Notwithstanding the amendment proposed in section 2 of schedule D, we recommend that the terminology used to categorize diseases be revised and simplified, reflecting consistent and universally accepted terminology.

We're also prepared to recommend that the definition of "food premises" be altered. The definition of "food premises" currently does not include a private residence. There are many private residences in Ontario where food is prepared and sold for public consumption. We have a serious concern that communicable diseases could be spread and are being spread through this type of operation. We have documented evidence to support this claim.

The use of the term "guideline" in section 7 tends to suggest discretion in the provision of public health programs and services application at the local level. The wording of this section should be revised to reflect the mandatory nature of the minimum programs and services. We suggest wording such as, "Every board of health shall provide programs and services as specified by the minister."

The intent of section 9 needs to be clarified in light of municipal funding of public health programs. In general, optional local programs must be paid for, and therefore require the consent of all obligated municipalities within a health unit. In addition, provision should be made for different arrangements where a merger of obligated municipalities within a health unit may pay for health programs designed to meet specific local needs. The

definition of "obligated municipalities" must be clearly defined in the act and/or the regulations before January 1, 1998, as ongoing municipal restructuring may make the development of local funding agreements difficult or impossible to reach by that date.

ASPHIO recommends that the proposed repeal of section 81(3), which currently requires the chief MOH to keep himself/herself informed in respect of matters related to occupational and environmental health, be reinstated. This is an essential part of the chief MOH's function, to monitor these conditions and to provide consultation to the minister. ASPHIO recognizes that these issues are still retained at the local level so we don't have a complete loss of control over the situation.

The clauses of section 82 provide that the minister may appoint assessors who may carry out an assessment of boards of health. ASPHIO recommends that in order to effectively superintend the provision of minimum public health programs and services, the minister consider regular audits of boards of health at a predetermined frequency.

That concludes my presentation on the Health Protection and Promotion Act. I'll turn it over to Mr Zyhar.

Mr Oryst Zyhar: Good morning. I wish to thank you for the opportunity in appearing before this committee as a representative of ASPHIO.

ASPHIO has a long history in the delivery of part VIII of the Environmental Protection Act, and as a result of our concerns for and our expertise in not only public health programs but also other programs which can affect the health of our communities, ASPHIO felt it was imperative to make a presentation to this standing committee.

The goals of the part VIII program are to ensure that the rural, unserviced areas of the province are provided with an economic, environmentally friendly and healthful method of sewage treatment and disposal that does not have an adverse effect upon the quality of the subsurface environment or public health.

Bill 152 is intending to transfer the responsibility for small private sewage disposal systems from the current delivery agencies of the Ministry of Environment and upper-tier governing authorities by downloading to lower-tier municipalities. This causes our association great concern, as the current delivery agencies, which are mainly health departments, have over the years endeavoured to gain expertise, knowledge and professional standing in the review, inspection and approval of private sewage disposal systems.

1010

Environmental protection and public health programs will inevitably suffer if building and private sewage system approvals are centralized at the area municipal level. There will be a greater potential for conflicts of interest or abuses of protection principles.

In Ontario, health units have the existing expertise, experience and established procedures to deliver this service effectively and efficiently, and have administered the part VIII program on behalf of the Ministry of Environment in most areas of Ontario since 1974.

It is ASPHIO's position that a healthy environment is paramount in the maintenance of optimum human health and that safe disposal of raw domestic sewage wastes has a direct link to the protection of human health from a pathogenic disease prevention viewpoint.

Many health departments have developed or contributed to the development of broader groundwater protection strategies, as it makes sense to have the impacts of all significant sources of groundwater contamination, including private sewage disposal systems, considered by the same people. As of March 1, 1998, these skills, which have been accumulated through education and experience, will be replaced by inspectors with significantly lesser qualifications and limited or no experience. Accountability will be lacking or nonexistent, as the accumulated experience of over 23 years will be lost.

ASPHIO maintains that effective supervision of the design and installation of sewage disposal systems is fundamental for the protection of public health and the environment. At present, most municipal officials responsible to perform activities under the authority of the building code do not have training in hydrogeology, soils, public health, chemistry or biology and how these disciplines relate to sewage composition and sewage treatment.

A close liaison currently exists between the environmental health section of each health department and the upper-tier planning department regarding development applications which have potential health and environmental implications.

Lot assessment for an onsite sewage disposal system is a complicated combination of various components, such as topography, geology, hydrogeology and regulatory requirements. Building inspection departments and their supporting ministry do not have the background knowledge or resources to assess the public health implications of applications, and furthermore, the building code always assumes that construction is possible and sets out the requirements for building.

Unlike building inspections, which assume construction is possible, a lot inspection for the purposes of private sewage disposal systems assessment goes beyond the site-specific parameters of the lot in question, as consideration of offsite impacts to ground and surface water supplies must be weighed. This planning component is significant, as it may impose restrictions on the size and location of the structure on the building lot. The implementation of this component is required prior to the application of building code requirements.

ASPHIO further identifies that the process for dealing with complaints has a significant cost attributed to the administration of the program, as it often requires several inspections to abate the health hazard. The complaint activity has no source of revenue until a certificate of approval is applied for. It is questionable how Bill 152 will allow the regulatory agency to recoup the costs of the complaint service.

It is ASPHIO's position that Bill 152 requires amendment, as the timing of March 1, 1998, is inadequate to develop and provide certification training for the new non-

health-department staff in epidemiology, hydrogeology, soil composition, communicable disease control and public health principles.

The intent of Bill 152 to provide one-stop shopping for the consumer by having local building officials trained and certified to provide a sewage system inspection at the same time as the building inspection is being carried out is flawed, as most sewage system installers work independent of the home builder and require an inspection prior to moving their excavating equipment off the site. In all likelihood, these inspection requirements will not coincide with the building inspection, and therefore will require a special trip to the site by the inspector. This defeats the purpose of fewer inspections and less cost.

ASPHIO's recommendations for the part VIII program: As currently many municipalities and regions are involved in amalgamation and governance discussions, it is ASPHIO's recommendation that Bill 152 be amended to ensure that the responsibility for review, inspection and approval of private sewage disposal systems remain an upper-tier municipal responsibility. This would ensure consistent delivery in all municipalities, not just those that can afford it. It seems to have been the solution proposed for northern Ontario.

Secondly, ASPHIO recommends that Bill 152 be amended to ensure that part VIII of the Environmental Protection Act and regulation 358/90 remain a responsibility of the Ministry of Environment. However, should the Legislature intend to transfer the program to another ministry, ASPHIO would support incorporation into the Health Protection and Promotion Act and to have it identified as a mandatory core program.

Lastly, in the event that the responsibility for part VIII is transferred to the Ministry of Municipal Affairs and Housing, ASPHIO's recommendation would be that part VIII and regulation 358/90 be transferred in its entirety and maintained as a separate or standalone section in the legislation, provided that the upper-tier municipality is identified as the preferred delivery agency of this provincially significant program.

On behalf of ASPHIO, I would like to thank you for consideration of our position. We again offer our commitment to meet with ministry staff to further discuss any amendments or the implementation of any proposed changes to these provincially significant pieces of legislation. We would now take any questions, should you have them.

The Chair: Thank you very much, gentlemen. We have time for one set of questions from one caucus.

Mr Mario Sergio (Yorkview): Thank you very much for coming down. You have mentioned some very important points with respect to qualifications of inspectors and assessors. Is there an organization that presently has some controls as to the training and upgrading of those assessors?

Mr Bones: Currently, the public health inspectors delivering the program come out of Ryerson University with a degree in environmental health or health science. We also have people with certificates in engineering technol-

ogy who are delivering the program. So they do have specialization in their background, plus there is the component to Ryerson anyway where there's a three-month practicum in field training to assist in delivering all health programs. The part VIII program would just be part of it. But it's the on-the-job training that you get, the years of developing the expertise, that is really important.

Mr Sergio: Why would you say that if responsibility is downloaded on to the municipality, you will have inspectors or assessors with fewer qualifications, no experience, no training? Why is that?

Mr Bones: Because right now in most jurisdictions the people who are delivering the program are health inspectors or people with a certificate in engineering technology or a specialization in some other areas with conservation authorities. So there is specialization in this particular work, but for the most part in Ontario you have the two main groups that are delivering the program.

Mr Sergio: A local municipality, let's say in northern, central, eastern Ontario or whatever, what would it have to do to acquire the necessary assessors or inspectors with expertise in stuff like that?

Mr Bones: I assume they would have to hire the people who are currently delivering the programs.

Mr Sergio: I guess I'm coming to the money, right?

Mr Bones: Yes.

The Chair: Unfortunately, our time has expired, but thank you very much for coming and making your presentation to the committee.

CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 79

The Chair: The next presenter is from Local 79 of the Canadian Union of Public Employees. We have with us the president, Anne Dubas.

Ms Anne Dubas: We also have Margaret Watson joining us, as a consultant for Local 79, and Denis Casey, who is the first vice-president.

The Chair: Are you all coming to the front? You're quite welcome to. Thank you for coming. As you know, you have 15 minutes.

Ms Dubas: Thank you very much, Mr Chair and members of the committee. We'll start off in our presentation which is mauve — we didn't purposely try to colour-coordinate.

Local 79 has been a union since 1942, and at this particular time we represent almost 10,000 employee members, full-time and part-time — yes, we do have part-timers; we recognize their existence and we know they have a definite role — in the city of Toronto and in Metropolitan Toronto, which you all know will be the megacity come January, and the Riverdale Hospital. For historical purposes, Riverdale Hospital was built by the city of Toronto, is owned by the city of Toronto and is now run by a board over there.

1020

We'd like to thank you for the opportunity to address the general government committee regarding Bill 152, the

Services Improvement Act. It is our view that Bill 152 will download the cost of many services from the province to municipal governments in order to encourage privatization and deregulation. Listening to the presentation just before me and being a public health nurse, I found it very interesting. I hadn't realized until now how dangerous this act is.

Local 79 is very concerned that this legislation will create an enormous burden for the municipalities and lead to deterioration of public services across Ontario. Despite a direct reference to Who Does What in the long title of Bill 152, this government has not followed the Crombie recommendations. Instead, Bill 152 and other related legislation will download the cost for many hard and soft services to the municipalities, while uploading only one half of the cost of public education. Local 79 strongly disagrees with this approach.

As Crombie recognized, residential property taxes are the wrong way to fund social services, the soft services. These are regressive, meaning that people with lower incomes pay a disproportionate share. In both rural and urban areas, a downturn in the economy can quickly cause demand for social services to overwhelm the property base. In part, the government has acknowledged this fact with its proposals to pool the cost of some social services across the greater Toronto area. But the need for pooling provides even more evidence that downloading to the municipalities is a mistake, and that the cost of social services should continue to be borne provincially and federally, across the whole gamut.

Social housing is one of the ones that we're keenly interested in. Bill 152 will shift the cost of social housing, now funded 100% by Queen's Park and Ottawa, on to the municipalities. This change will have a tremendous impact on Metropolitan Toronto, which has the majority of social housing units in this whole province. The city of Toronto's Cityhome and the Metropolitan Toronto Housing Co, different from MTHA, which is really just another word for Ontario Housing, are both innovative models that provide an essential service with rent-geared-to-income homes and supportive programs so they can live decently.

While the transfer of the cost of social housing will take effect January 1, 1998, the actual control of the system will not be given to the municipalities for years. "You get to pay for it; you have no say." This will produce the least democratic and accountable of all possible scenarios, as municipalities are forced to pay for programs that they have no say in running. Already, we are seeing the consequences as the Metro Toronto Housing Authority, MTHA, under the Ontario Housing Corp, apparently rushes to privatize a large piece of its operations in the fourth quarter of 1997. As public health nurses working in the city, we know the difference in the quality out there when they take over.

Just before all this financial downloading takes effect, Local 79 and our members find this unacceptable. It is our position that funding for social housing must remain a federal and provincial responsibility. But if the cost is

downloaded, then the democratic means to run social housing must also be transferred with it.

Child care is another area that our members work a great deal in. In fact, Metro runs 54 centres, a lot of at-home day care. Today, the municipalities pay 20% of the child care subsidies for the families who need assistance. With quality day care, families and students with small children can participate in the workforce and pursue further education and job training. Bill 152 does not set out what municipalities will have to pay in the future, but we understand that it will be at least 20% of all child care costs. This increase will promote unregulated, poor-quality child care and it may well threaten the child care system as a whole.

Public health — you heard the gentleman before me. We do have the largest public health unit here in the city of Toronto. Municipalities are required to deliver full public health programs, as set out in provincial guidelines, cost-shared between both levels of government. Bill 152 will eliminate the province's share, at an estimated cost of \$225 million to the municipalities. Public health is an investment in prevention, reducing long-term costs of health care for everybody. Local 79 strongly believes that the province should continue to pay for its share of the mandatory programs.

Ambulance services — again, we are very concerned that the downloading cost of ambulance services will lead to a deterioration of this service in Metropolitan Toronto and across the province. Private companies such as Laidlaw will be working hard to convince financially strapped municipalities that they can provide the service more cheaply: a Visa to get in and an American Express card to get out of the ambulance, that type of thing.

Local 79 believes that the resulting patchwork of standards and cuts to services will cost lives. The financial details are not convincing. The Premier and Minister of Municipal Affairs and Housing have argued that the changes in Bill 152 and elsewhere balance each other out and are revenue-neutral.

I'd like to read at this time the election literature from the present reeve of Keppel township in Grey-Bruce. You don't have a copy of this. This was sent to me so that we can think about voting for him. This is not a union person speaking; this is the guy who usually fights all the gun legislation and things like that. They're nice people up there, but they're not city people; they're not union people. This is what he's saying in his election stuff:

"As of January 1, 1998, the township will have to pay for OPP policing, downloading of costs. Keppel also will have an increased levy at the county level for social housing, land ambulance, public health, increased road maintenance due to the transfer of provincial highways to the county.

"With the elimination of provincial grants, we will be faced with a loss of revenue. Although the province will be paying more towards education, the township finds itself" — and this is a small township, guys — "with a \$700,000 shortfall. However, due to the commitment of the county and the Association of Municipalities of

Ontario, these figures are changing daily.” So even they’re saying the same things that this trade union is saying, that the numbers aren’t right.

To start summarizing, many observers — and I’ve just read from someone who’s not one of us — including the affected municipalities fear that the real cost of downloading will be much higher than estimated. The province has cut over \$600 million in unconditional transfers to municipalities. It has underestimated the true cost of social housing. It assumes savings from efficiencies that municipalities will have no opportunity to achieve until and unless they are given control of these programs.

Faced with massive increases in costs, municipalities will face pressures to cut services, institute user fees and privatize essential public services. It is no exaggeration to state that essential public services are a priority. It is the services that add to the quality of life that we all enjoy, and this is in danger. Privatization is not the answer. Bill 152 repeatedly states that services will be provided by delivery agents — not necessarily the municipalities. Where the provincial government is not satisfied with how a municipality delivers a particular service, it can step in and hand it over to a private company, while requiring the municipality to pay for the costs. There’s no proof that contracting out municipal services to the private sector is more effective, more efficient. There’s no proof whatsoever.

As public employees, we understand our responsibility to the taxpayer. Our responsibility is to deliver quality services. We take pride in the work we do. Perhaps most important, we are directly accountable to the public through elected politicians. Privatization cannot offer any of those benefits. Local 79 believes that the Services Improvement Act will do serious harm to public services and programs that Ontarians want and deserve. We urge that this committee reject the course the government has set out and withdraw Bill 152.

The Chair: We have time for questions from one caucus.

Mr Rosario Marchese (Fort York): Thank you for the deputation. I always marvel at the propaganda machinery that’s behind the titles of these bills. You know that they call this the Services Improvement Act. Is there anything in this bill that you think improves much of what you represent in your field?

1030

Ms Dubas: It improves our ability to become poor, disenfranchised and to starve. It improves our ability to have poor health. It improves our ability to be ill. You listened to the deputation before. I was horrified when I realized I had missed that we’re not going to have public health inspectors doing the things that keep our food and our communities safe.

Mr Marchese: Just quick answers, because we don’t have much time. I have several other questions.

On the issue of disentanglement — you recall that Harris wanted to disentangle everything, to make things clearer for everybody. Does this process of downloading

many of the services disentangle things and make things a lot clearer for everybody?

Ms Dubas: There is disentanglement, but it’s also a fog that has been put in place to ensure that other costs are downloaded. You buy a car and I get the privilege of paying for it. That’s what’s happening.

Mr Marchese: I’m actually quite angry at this, because it doesn’t disentangle anything. In fact, it complicates it even more than ever before. The downloading of housing, as you pointed out, is something that no other jurisdiction in the world — there might be another one in the States or somewhere else; I’m not sure. Very few jurisdictions download housing to municipalities. I find it disgraceful that they would continue to download child care and welfare to the municipalities, as opposed to taking it over and making things clear and paying that out of the income tax system, as opposed to having tenants and property taxpayers assume the cost of that kind of soft service.

Ms Dubas: Because there are no residency rules when people come to Toronto to collect social assistance, or to live in housing. Too often across the province those services are not available and people who are Ontarians have no choice but to come here, and too often we’ve heard people say, “They gave me a bus ticket to come to Toronto.”

Mr Marchese: Do you have a sense of how many jobs might be lost by the download and the megacity situation?

Ms Dubas: We’re just very concerned that we’re not going to be able to provide the quality services that we have. We’ve taken 55 years working with the employers to develop them. We see it as a partnership. Someone else has come in and squished us both. Even my employers are opposed to it.

Mr Marchese: We’ve had situations in the past where the government, in the development charges bill, argued that, “We can’t trust municipalities to spend the kind of money they get from development charges very well, so we had to change it a little bit.” Of course, they backtracked and changed it many different times. But in this particular situation, they’re saying: “We’ve got to trust the municipalities. They’re best able to deliver the services.” Presumably, the folks before, the Association of Supervisors of Public Health Inspectors of Ontario, would agree that these are the folks who run it, these are the experts, we’ve got to download it to these people —

The Chair: Time is running out, Mr Marchese.

Mr Marchese: What is your sense of doing that?

Ms Dubas: It’s a way they can offload their debt problem, because what they’re really doing is taking away their funding and dumping it on to the municipalities, the local governments, even to the point of Milt Bellamy stating that it’s wrong. When you have even the right wing of the world agreeing with the left wing of the world —

Mr Marchese: We’re in trouble.

The Chair: Ms Dubas, unfortunately we’ve run out of time. We thank you very much for coming, and Ms Watson and Mr Casey as well.

The next delegation is the Public Housing Fights Back Campaign, Julia McNally. They have advised that they are unable to appear this morning.

HALTON AREA SERVICES REVIEW COMMITTEE

The Chair: We will then proceed with the Halton area services review committee. We have two people: Rob MacIsaac, who is a councillor, and Wayne Gould, who is the fire chief. Good morning. Thank you for coming. As you know, you have 15 minutes to make your presentation.

Mr Rob MacIsaac: Good morning. As you noted, my name is Rob MacIsaac. I appear before you today as a Burlington-Halton regional councillor. I'm also the chair of the Halton area services review committee. I'm here with Chief Wayne Gould, from the town of Oakville, who is here to make sure I don't inadvertently launch into an election speech.

Mr Marchese: Please don't do that.

Mr MacIsaac: The HASR, the Halton area services review, is a group which I think deserves some explanation, just so you understand the breadth of the group I represent here today.

We in Halton have prided ourselves on our ability to constantly examine our operations to ensure continuing effectiveness and efficiency. The HASR reflects our commitment to excellence and it also reflects an exemplary level of cooperation which exists between the region of Halton and its area municipalities: Halton Hills, Burlington, Milton and Oakville. The HASR is a joining together of the regional and area municipalities to find better ways of doing business together. It is that perspective that I'm hoping to represent today.

Under that umbrella, we have commissioned an emergency services task force to examine and report on land ambulance services for Halton. That group, comprised of the municipal fire chiefs, the regional police chief, the deputy police chief and the regional commissioner of planning and public works and chaired by the clerk of Halton Hills, has spent many hours examining the impacts and options surrounding the transfer of the responsibility for land ambulance from the province to local government.

While continually hampered by a lack of detailed financial information from the province, the group has collected significant data and has led discussions among ambulance operators, employee representatives, other municipalities and provincial government officials. The picture that emerges from this work is disturbing.

Many of us at the municipal level understand the rationale for many of the Who Does What initiatives undertaken by the government. However, the transfer of land ambulance as currently proposed is neither logical nor understandable.

Let me describe the current system, and then demonstrate the proposed system with some of its features that we are concerned about. The current Ontario ambulance system is operated by the province through the Ministry of Health. Ambulance operators are volunteer groups, as we

have in Halton Hills; independents who have management contracts with the province — that's the Halton-Mississauga ambulance as an example — government employees, such as Peel and York; two instances, Metro Toronto and Ancaster, are municipal-based services; and hospital-run services.

In the first three varieties, all expenses are assumed by the province, including equipment and facilities costs. All ambulances are controlled through a radio dispatch system which is owned and operated by the province.

The unity of ownership and dispatch permits a seamless ambulance system for Ontario. When ambulances are required in Hamilton, Wellington county or Mississauga and none are available in that location, the next-closest available ambulance can be dispatched to serve the neighbouring jurisdiction. This is a cost-efficient, effective system which maximizes ambulance service with a minimum of bureaucracy. There is, in effect, one owner-operator providing service to a single jurisdiction, servicing a health system which is largely controlled by the same central agency.

Bill 152, which has received second reading before the Legislature, changes the system dramatically. Section 6 devolves responsibility for costs in 1998 and the responsibility for provision of ambulance services to upper-tier municipalities in the year 2000.

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In the early stages, upper-tier municipalities will be responsible for paying for a service over which they have no control. In fact, the act further specifies that ambulance providers under contract as of January 1, 1998, are protected until December 31, 1999. This is a classic illustration of pay with no say. The upper-tier municipality pays, but the provincial government has the only say.

In the year 2000, things don't get much better. While upper-tier municipalities will determine the provider and apportion costs to local municipalities, control through provincial standards and, more importantly, through the government-operated communications centres will continue to rest with the province.

Within the area of Halton, we find this philosophically unacceptable. It is our position that the transfer of responsibility creates more problems than it solves. Let me illustrate through the discussion of several very significant issues. We have included recommendations where appropriate.

The HASR identifies the following issues that must be addressed through changes to Bill 152 and the regulations: (1) pay with no say, (2) funding and finance, (3) levels of service, (4) dispatch and (5) unfunded liabilities.

On January 1, 1998, our region will assume financial responsibility for the provision of land ambulance services without any input into such issues as funding, budgets, dispatch, patient transfer, unfunded liabilities, accountability or standards for servicing.

Accordingly, we would recommend as follows: that the government defer the final reading of Bill 152 until a consultation process has been established with all stakeholders and all relevant issues regarding land ambulance

have been resolved; and further, that Bill 152 and the related regs be amended in such a manner as to provide greater authority and control to municipalities for land ambulance. That's really our principal message to you today, although I would like to go into some further detail.

With respect to funding and finance, the lack of detailed information available from the ministry has negated our ability to effectively plan for this new responsibility. Bill 152, in part III, has clearly identified the funding responsibilities for the upper-tier municipalities. It is imperative that a full understanding of all related funding and financial issues be reached between the government and municipalities prior to the transition period.

The costs to transfer land ambulance in the region of Halton have been estimated by us at \$7.62 million. Detailed background financial information must be provided to ensure that our figure addresses the following: salaries, wages and benefits; rented facilities and rental equipment; operational equipment; first aid supplies; operating and capital costs for the ambulances themselves; the impact of government-owned facilities; the cost of central Ministry of Health services to be provided in future by municipalities; the financial impact of replacing capital assets such as vehicles and equipment furnishings; and determination of costs for cross-border services.

Accordingly, with respect to funding and finance, we would recommend that the government direct the appropriate ministries to provide all relevant detailed funding and finance information to assist municipalities in rationalizing the transfer funding amounts; and that the government direct the appropriate ministries to clarify and reconcile all funding and finance information to ensure the transfer of land ambulance is completed debt-free to municipalities; and that, in light of the number of unresolved funding and finance issues, the government reconsider retaining the land ambulance service and enter into cost-sharing agreements with municipalities through user fee formulas.

I would note that we have been trying very hard to get the financial information. We have met with success. Out of frustration in the last short while we have submitted a freedom of information request to the government for that information.

Levels of service: The Ministry of Health identifies the essential qualities of the emergency health services system to be as follows: seamless service, a consistent level of care and service province-wide, ambulance service planned and managed as an integral part of the health care system and administrative efficiency.

Bill 152, part III, clearly identifies the province's responsibilities pertaining to the levels of service and standards for land ambulance. As a result of transferring land ambulance to upper-tier municipalities, the government must be aware of service level implications.

How will the government maintain a seamless system? In the municipal environment, there is the real potential that barriers will be created along regional borders. This will be a natural reaction when the regional municipality becomes responsible financially for the delivery of the

service. Failure to maintain the seamless system would create significant difficulties when it comes to long-distance transfers, interfacility transfers and the requirement for the closest vehicle to respond in an emergency.

Reciprocal agreements will appear in abundance, but they will be administratively cumbersome and an obstacle to seamless delivery. In light of the recent hospital restructuring, it is more apparent that land ambulance must be part of the health care system and have the ability to transcend municipal boundaries.

How will the government maintain a consistent level of service? Bill 152 indicates that the Ministry of Health will continue to set minimum standards. Does this set the stage for a have and have-not system? Different regions could fund their land ambulance programs at different levels. This could pertain to such areas as onsite staffing coverage or to the level of training that is provided and maintained.

Another concern under the consistent level of service is the status of the paramedic II program. Presently, 24 communities have been targeted for paramedic IIs under the Ontario pre-hospital advanced life support study. This study is just completing year three of its five-year time span. There has been no assurance that the government will continue to fund the designated communities until the conclusion of this program.

Accordingly, we recommend as follows: that Bill 152 and the related regulations be amended to ensure that consistent levels of service are provided and maintained throughout the province; that the government establish the acceptable service level standards for the provision of land ambulance and reflect the appropriate funding in the transfer formula; and that the government direct the appropriate ministries to include all stakeholders in discussions to develop acceptable service level standards.

Dispatch services are being provided directly by the province for the dispatch district which includes Halton. Perhaps one of the greatest benefits of transferring land ambulance to upper-tier municipalities is the improved accountability for the provision of the service. If the dispatch function is beyond the control of the upper-tier municipality, it will be extremely difficult to hold the licensed operator accountable for performance. Police, fire and ambulance within most regions participate in the first responder or tiered medical response programs, in conjunction with the numerous initiatives to combine or amalgamate dispatch services. Therefore, it seems only prudent to include ambulance dispatch in any future equation.

Consultation must take place among the stakeholders to determine the ultimate role, ownership and future of the ambulance dispatch process. Discussions should include, but not be limited to who are the stakeholders; control of dispatch; who pays; cross-border issues; technical issues/solutions; cost efficiencies; coordination and provincial standards.

Accordingly, we recommend that the bill be amended to permit municipalities to assume full responsibility for dispatching ambulances within or outside the municipality.

As outlined previously, municipalities have invested considerable time and resources researching the funding and financial implications of the land ambulance transfer. Perhaps one of the more difficult areas to prepare for is that of unfunded liabilities. While considering this area, municipalities must know how the government will deal with the following areas: workers' compensation debts, pension costs, collective agreements, severance pay, pending litigation and long-term leases. Municipalities must not be expected to assume responsibility for unfunded liabilities that are not theirs. It is only fair to assume the transfer of land ambulance will be debt-free.

Accordingly, we recommend that the bill be amended to ensure that the transfer to the upper-tier municipalities will not include any unfunded liabilities.

In conclusion, the HASR continues to support the provincial approach of offering a seamless land ambulance service which provides quality patient care. Municipalities can contribute to the efficient and effective delivery of this important service. However, it is only fair and reasonable that we be afforded the opportunity to understand our role and the implications to our municipality and local taxpayers, as well as the opportunity for real input into service delivery.

That's my presentation. I thank you for listening.

The Chair: Thank you very much. We have about one minute.

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Mr Tim Hudak (Niagara South): Thank you both for your presentation. It's comprehensive and obviously a lot of work was put into it.

As you probably know, the government has a meeting with representatives of AMO and also ambulance operators to go over a lot of the issues that you have brought up today. That's an ongoing consultation to make sure that when the transfer does occur, a lot of these situations can be addressed to both our benefit — municipalities and the province, but most importantly the patient.

I wanted to comment on a couple of issues, and get back to you. On the pay-versus-say issue, as you know, in the year 2000 municipalities will have a lot of say in terms of who they determine will run that service. They can do an RFP in terms of getting a private operator to run it, if that's in the best interests of the taxpayers in that area, or have the municipality run it, but make that determination of what will be the most efficient and best-quality service.

Secondly, I want to get back to you — you were talking about the importance of maintaining the seamless system. Then you argued that the dispatch be run locally. My question to you, then, is if you put dispatch locally, doesn't that reinforce the problem that you mentioned earlier, that you're worried that the regions would not send ambulances to other municipalities? The importance of having provincial dispatch is to make sure ambulances can go to the nearest hospital as quickly as possible.

The Chair: Just one minute, Mr Hudak; quickly.

Mr Wayne Gould: If I could just comment on your dispatch issue, it's conceivable that the municipalities could enter into agreements to make sure that the issue of

providing a seamless service would be maintained. The key factor is that there are a lot of studies being undertaken to amalgamate fire and police dispatch. It only seems prudent that the dispatching of ambulance would take place in the same vein — in the same building, using the same technical solution. The key to that is that fire and police vehicles continue to respond to tiered medical responses, that they're responding only within seconds behind an ambulance. It would just make sense that the same agencies that are responsible for ambulance would dispatch those units, not to duplicate the response of fire and police vehicles to the same emergencies.

The Chair: Thank you very much, gentlemen. You've been very thorough, but unfortunately we've run out of time. We do have your brief. Thank you for coming.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair: The next delegation is AMO, the Association of Municipalities of Ontario. Roger Anderson is the first vice-president, and Terry Mundell is the immediate past president. Good morning, gentlemen. I hope you've caught your breath.

Thank you very much for coming. You have 15 minutes to make your presentation.

Mr Roger Anderson: Thank you very much, Mr Tilson. My name is Roger Anderson. I'm first vice-president of the Association of Municipalities of Ontario. With me is Terry Mundell, our immediate past president of the association.

I would like to begin my comments by saying that AMO shares the provincial government's objective that the Who Does What transfers should provide improvements over today's confusion and overlap of service responsibilities, and should result in better government at a lower cost. Our association believes that the new framework for delivery and funding responsibility should create a system of governance that provides clear accountability and is easily understood by Ontario's taxpayers. It is also our expectation that these reforms will lead to a system in which each level of government is afforded a level of decision-making in keeping with its financial contribution.

AMO is concerned that Bill 152 has not satisfied these objectives in all cases. Our most serious concern is that the province is transferring funding responsibility to our sector without transferring service responsibility. The outcome will be a system of governance where accountability is divorced from spending. Our association remains firm in its position that where local tax dollars are being used to fund services, either wholly or in part, then accountability for these services must rest at the local level.

Recognizing that the government has decided that municipalities are the most appropriate level of government to provide certain services, we would like to share with the committee several key expectations the municipal sector has regarding the provision of these and all municipally funded services.

Municipalities expect clear and direct accountability. Responsibility and authority for municipally funded services must be through elected municipal governments to ensure that property tax dollars are spent wisely. Municipal accountability is seriously compromised by the delay between the time when costs for programs are transferred to municipalities and the time when councils are given management authority over those programs. Accountability is also a concern, where program costs are equalized across municipal governance structures.

Municipalities expect a say for pay. Municipal funders must have decision-making authority over programs, including control over costs, how funds are spent, levels of service etc. The elimination of municipal support grants, coupled with new municipal funding responsibilities, comes with an expectation of a reduced provincial role, particularly in mandating service standards. In keeping with our financial contribution, the municipal sector must be assured that it will have significant input into the development of province-wide program standards and regulations.

Municipalities expect clearly defined provincial and municipal responsibilities. The government has determined that taxpayers' interests are well-served by municipal responsibility for certain services. Legislation must reflect the reality that municipalities are primarily responsible for these services. While we recognize that the province has a legitimate role in developing legislation and setting broad standards for service, we believe that the provincial role in service management must be redirected to municipal governments across all services dealt with in Bill 152.

Municipalities expect maximum local flexibility. Local flexibility to plan and manage services according to local needs and circumstances is essential. AMO supports an approach that provides municipalities with the flexibility and the authority to manage municipally funded services and encourages the government not to undermine this flexibility by imposing prescriptive regulations. For example, regulations regarding the apportionment of costs between affected municipalities should be limited to ministerial intervention where consensus cannot be reached. To arbitrarily set a method of apportioning costs in regulation presumes a one-size-fits-all approach, and would curtail local decision-making.

Municipalities expect to have opportunities to find efficiencies. Municipalities require opportunities to find better and more affordable ways of managing services. The government has stated that it expects municipalities to achieve overall program efficiencies of 2.3% each year. While municipalities feel they have done much to achieve efficiencies in their own operations, achieving further program efficiencies will be virtually impossible if municipalities exercise little or no control over program costs. Further, municipal opportunities to achieve cost savings will be compromised by government ministries setting service levels and program standards without municipal input.

Municipalities expect predictable, sustainable costs and revenues. Costs of program transfers must be sustainable over the long term. Municipalities want to accept the Premier's commitment that the Who Does What transfers will be fiscally neutral for Ontario's property taxpayers. In order to achieve this objective, the government must work with the municipal sector to determine whether the various transition funds are sufficient, whether a phase-in of certain programs like social housing is desirable, whether giving municipalities access to alternate revenue sources like the fuel tax is a viable solution to the problem of the elimination of provincial transfers or whether a combination of these remedies is in order.

The stated purpose of Bill 152 is to effect the transfer of funding and delivery responsibility to municipalities for key services. AMO would like to convey to the committee a number of general comments and areas where municipalities believe that improvements are required to fulfil the intended purpose of the bill. More specific observations and recommendations are contained in the appendix which follows this presentation.

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Municipalities believe that the transfer of funding responsibility for programs without the transfer of municipal management authority undermines municipal accountability and is contrary to the stated goal of clarifying provincial and municipal roles and accountability. Municipalities are particularly concerned that Bill 152 allows for extensive delays in the transfer of management responsibility for social and health services and social housing. AMO strongly suggests that the government revisit its intentions regarding the transfer of these services and make the necessary changes to ensure that funding responsibility is transferred in concert with management authority.

The government has decided that a range of services previously funded by the province is most appropriately provided by local governments. As such, municipalities must be provided with the authority to determine the most suitable governance, administration and delivery structures for these services. Bill 152 contains many provisions which allow for the intervention of Queen's Park in local decision-making.

As an illustration, the requirement of ministerial permission to change local delivery structures for municipally funded community public health services is unacceptable to municipal governments. In addition, Bill 152 provisions for ministerial authority to designate a non-elected entity to act as the local authority for child care service management and onsite septic system regulation provides an inappropriate level of authority to the provincial government for these municipally funded programs.

Municipalities continue to advise the government that the development of province-wide program standards must be done with substantive municipal input. Despite numerous requests by municipalities, the government has not indicated a willingness to ensure comprehensive municipal input into the policy development process. In addition, the provincial ministries continue to make determinations regarding service levels for programs such as child care

and social housing without engaging municipal funders in discussions on these matters. We believe this is a violation of the pay-for-say principle, and call on the government to immediately engage the municipal sector in joint discussions regarding program standards and service levels for all programs being transferred to the municipal sector.

Municipalities share the government's goal of achieving program efficiencies and cost savings, but we do not believe Bill 152 provides the necessary provisions for municipal governments to do so. Municipalities cannot be expected to have an impact on costs of programs over which they have no management authority. If the bill proceeds as drafted, municipal opportunities to implement efficiencies will be stifled by prescriptive provincial program requirements or the absence of municipal authority over service levels.

AMO is also concerned with the high level of provincial oversight which is enshrined in Bill 152, particularly in relation to public health, social housing and land ambulance. For example, Bill 152 includes provisions for the appointment of assessors, a new layer of oversight in addition to the existing compliance requirements for public health programs. We believe that this high level of provincial oversight signals a level of mistrust of the municipal sector and perpetuates the continuation of an unnecessary and expensive provincial bureaucracy for what will be municipal programs.

This legislation is a barometer of the government's intention to treat municipalities as elected and accountable governments. We believe that municipalities must be granted the authority to make decisions that affect local affairs and impact on local property taxes. Just like you ladies and gentlemen, local elected officials receive their mandate through the ballot box and are held accountable for exercising their authority, and as such must be provided with the necessary authority to carry out their responsibilities.

Unfortunately, Bill 152 enshrines the old way of doing business within a new funding regime. The legislation as it currently stands does not meet the shared provincial-municipal objectives of a system of governance which is efficient to administer, simple to understand and transparent and accountable to taxpayers. Significant changes to the legislation are required in order to meet our mutual objectives for effective provincial-municipal reform which results in better government at lower cost.

We'll be pleased to answer any questions. Because of my cold, I'll have Mr Mundell do it.

The Chair: Thank you, Mr Anderson. We have time for questions from one caucus. Mr Sergio, you have about three minutes.

Mr Sergio: Mr Anderson and Mr Mundell, thanks for coming down. Despite what you're saying on page 5, prior to the drafting of this legislation, what consultation did you have with the minister or the ministries, or anyone at the provincial level?

Mr Terry Mundell: The consultation which happened prior to 152 — we've been in discussions with the province on the Who Does What transfers since the an-

nouncement in early January and have tried to work with them throughout the two transition teams which were established, which I co-chair with Mr Carroll and Mr Hardeman. We have actively tried to have the government understand our concerns with 152. Those major concerns are clear and direct accountability, pay for say and our ability at the municipal level to try to find cost savings for programs which quite frankly we're not going to have management control over.

Mr Sergio: There's one area where all of us are seriously concerned. We heard this from the first presenter this morning. As responsible municipalities throughout Ontario, I'm sure you're well aware that the responsibilities that are being downloaded on to the small local municipalities don't give them the immediate inspectors or assessors that are required to provide safety inspections, necessary inspections. At the moment, they rely solely on provincial health inspectors. It takes time to set up an organization, provide the local municipalities with the necessary expertise, inspectors, assessors. What is your view with respect to that when we're dealing with not only inspecting a kitchen in a little restaurant or coffee shop, but we're dealing with water treatment, waste treatment, stuff like that, which many municipalities lack even now?

Mr Mundell: There are an enormous number of issues which are being changed in the Who Does What process. One of the major concerns we have as an accountable level of government is how we deal with the changes. In fact, we're very much concerned that with a lot of the changes we're going to see on January 1, 1998, we're simply receiving a bill. We're moving to a new funding regime, but we're still staying with the regime that as municipalities we're being told how to do it, when to do it and how much to pay for it.

Clearly, what we need to do is have a combination of items throughout this process. One of them is to try and deal with and look at how there may be some phase-in of the transfers, how we may look at some management tools in the municipal sector and management responsibility over individual programs so we can get them to try and look at gaining the efficiencies that our property taxpayers expect us to gain. There's an enormous amount of work to be done, and we're into a short time frame for it.

Mr Sergio: How would a small municipality provide those very necessary and important services without not only the flexibility which you have mentioned, but the funding as well? What is the effect on the small local municipality?

Mr Mundell: That's what municipalities across the province, whether they're large or small, are grappling with right now, how we try and effect the changes which are made throughout the WDW process. What we're looking for clearly is to get some long-term sustainability in municipal government. We're looking to get some certainty in our revenues, some certainty in our expenditures, and we're also looking at the pay-for-say principle, being able to have management control over the programs which are going to be delivered and being able to have some local flexibility to deliver those programs.

In the process through 152 which we see right now, the province still maintains a large amount of control over the standards. We believe at the municipal level, elected and accountable to do so, we can make all those decisions and provide the types of services our ratepayers expect. Again, the key here is you need long-term sustainability. You need to know what your expenditures are, which we don't, because we don't know the overall effects of the Who Does What transfers, and we need to clearly look at what our revenues are. We don't know the effects of the assessment system as of yet.

We also need to look at phasing in of programs; we need to look at other types of revenue sources, as we've mentioned.

The Chair: Gentlemen, we've run out of time. Thank you very much.

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ONTARIO PLUMBING INSPECTORS ASSOCIATION

The Chair: The next presenter is John Gunn, who's president of the Ontario Plumbing Inspectors Association. Mr Gunn, you've been patiently waiting all morning. We thank you for coming. There are two people here. I assume one of you is John Gunn and the other will identify himself.

Mr John Gunn: I'm John Gunn.

Mr Oryst Zyhar: I'm Oryst Zyhar.

The Chair: Who was here before, of course.

Mr Gunn: Good morning. I'm the president of the Ontario Plumbing Inspectors Association. I appreciate the opportunity to appear before you to speak specifically to the transfer of the part VIII septic program from the Environmental Protection Act to the Building Code Act, as recommended in Bill 152.

On December 19, 1996, Bill Pr67 received royal assent from the Ontario Legislature, granting the Ontario Plumbing Inspectors Association the ability to govern and bestow to its members the exclusive use of the designations "certified plumbing systems inspector" and the initials "CPSI." During the last 2 years, I have personally been involved in the development and implementation of this certification program and have firsthand experience in the thousands of hours of work necessary to provide a credible program encompassing course development, education, training and practical experience.

I have been employed as a plumbing inspector for 24 years and have had the opportunity to observe at first hand the problems that arise from malfunctioning septic systems. To compromise our environment and health by not allotting appropriate time to implement the proposed changes would, in my opinion, be a serious mistake.

The Ontario Plumbing Inspectors Association became aware of this proposed transfer earlier this year, and on March 5, 1997, I forwarded a letter to Wilfred Ng, director of approvals branch, Ministry of Environment and Energy, expressing our concerns. This letter was also

copied to the Honourable Norman Sterling and the Honourable Al Leach. I have enclosed a copy of this letter in my submission. I have not received a reply as yet.

I have recently attended both the Ontario building officials annual meeting and education seminar and the Ontario Plumbing Inspectors Association's annual meeting and education seminar. Representatives of the Ministry of Municipal Affairs and Housing made presentations at both functions regarding the transfer of the part VIII program to the Building Code Act. At the conclusion of the presentation delivered to the Ontario building officials, a question from the membership asked, "Who will be responsible for the problems with existing malfunctioning septic systems?" The Ministry's representative responded, "You will," referring to the building official from that particular municipality. Many building officials expressed concern about the transfer of the proposed responsibility and the liability that goes with it.

After a similar ministry presentation at the Ontario Plumbing Inspectors Association annual meeting, I was asked by many plumbing inspectors from across the province to explain what the Ontario Plumbing Inspectors Association was doing to identify the possible repercussions should this transfer be implemented. This is why I am here today: to voice the opinion of those who are targeted to have the part VIII program dropped in their lap.

The Ontario Plumbing Inspectors Association agrees that this restructuring was intended to provide one-stop approval services for both contractors and homeowners. However, the proposed time frame of March 1998 to transfer the responsibilities for inspection and approval of what is currently administered by some 40 expert part VIII delivery agencies to the hundreds of area municipalities appears to be unrealistic. The Ontario Plumbing Inspectors Association believes that the proposed restructuring or amalgamation of municipalities should be completed prior to any transfer of responsibilities or liability.

The Ministry of Municipal Affairs and Housing identifies that public health and the environment will be protected through stringent standards, training and certification of septic system installers and inspectors. However, the development of an acceptable certification program which ensures that a contractor or inspector is qualified is far too critical to rush through in the name of political expediency. For a certification program to be credible, we believe you must ask for both experience and education. If education is not readily available, then course development is essential. For these reasons, the Ontario Plumbing Inspectors Association identifies the March 1998 date to be unrealistic.

A review of specific changes from Bill 152 has been made, and I am including this review and recommendations for your use. The OPIA recommends that the Ministry of Municipal Affairs and Housing encourage all lower-tier municipalities to enter into agreements with the current program delivery agencies.

I thank you for your attention and I would be willing to take any questions at this time. I may refer some specific questions to the representatives from ASPHIO.

The Chair: We have time for all three caucuses. Mr Sergio?

Mr Sergio: I will let my colleague go first. I don't want him to forget the question.

Mr Marchese: Absolutely. Mr Gunn, you raised three issues that I want the Conservative caucus to address, so I'm going to give them time to do that. One is the letter that you've written that the ministries have not had time to respond to since March. The other one is the point you made about the current number of 40 or so service delivery agencies that allow for more consistent and uniform application of province-wide standards and how that would be affected by giving control of that to hundreds of municipalities. The third is your recommendation "that the Ministry of Municipal Affairs and Housing encourage all lower-tier municipalities to enter into agreements with the current program delivery agencies." I would like to give time to the Tory caucus to respond to those.

The Chair: Please proceed.

Mr Ernie Hardeman (Oxford): Thank you very much for your presentation. In response to the question from Mr Marchese, it would be an understanding in most municipalities — and I've been a representative in those municipalities for quite a number of years — that even though they have the ability to provide or to allow their chief building official to be the inspector, if they're not qualified, they would in all probability look to the present provider of that service, which in most parts of the province are municipal employees who already would be being paid for by that same municipal tax base. Is it reasonable to assume that if in my municipality they do not have a septic tank inspector presently qualified, they would carry on purchasing it from Oxford County Board of Health, who is providing the service?

Mr Gunn: Not under the building inspection department, where it's targeted to go. There would be nobody qualified unless they were to hire somebody who was qualified and make additions to staff, which I would imagine they could do.

Mr Hardeman: So the employer or the municipality would be fairly close to obligated to purchase it from someone who is qualified to do those inspections, if the standard says it must be inspected by a qualified inspector.

Mr Gunn: You would hope so, but it all depends on the certification program that they implement. If they grandfather everybody — the installers, all existing building inspectors, who have no qualifications; but they can grandfather everybody — then you have a certification program in name only; you don't have any credibility to it.

Mr Hardeman: So the critical part of that is that the government should in regulation be very careful who is grandfathered and in fact obligate the process to say they must be qualified inspectors who continue to inspect the weeping systems.

Mr Gunn: Definitely.

Mr Hardeman: I want to quickly go on with that one. In your presentation, you mentioned the presentation that was made by the MOEE about who would be liable for

the malfunctioning septic systems under the new bill. I would question who is liable for the malfunctioning weeping system now, prior to Bill 152.

Mr Zyhar: If I may, the liability for a malfunctioning septic system is currently the homeowners. The enforcement activity rests with the health department or the upper-tier municipality performing the function within the region or the municipalities of the board of health. So liability issues in enforcement remain with the upper-tier municipality.

Because only 40 agencies currently are delivering the program, they can deliver the program on a fair and equitable basis throughout the region or through the amalgamation of the area municipalities. On an individual basis, a chief building official for a small area municipality would be unable, in my opinion — first, they're not qualified. They have not taken any of the courses to deal with this, nor would they be able to perform the required gathering of evidence, submission of evidence, appearance before Environmental Appeal Board hearings, or even now, with the changes to Bill 152 before the Ministry of Municipal Affairs and Housing, to defend or support any of the public health concerns regarding a malfunctioning septic system. The building code considers it a structure. It is much more than just a structure; it is a potential bomb.

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Mr Hardeman: My involvement with the weeping system in my local community is that we do have very qualified people doing the inspections to make sure the weeping system is put in the ground as it was designed. But there seems to be no one presently, nor do I see that greatly changing, making sure that the agreement that it's being put in the ground the way it was designed is in any way going to imply that the system will properly work. When it doesn't work, as you mentioned, the homeowner becomes responsible. So I'm not sure that in Bill 152 the liability of weeping systems that do not work is being changed in any way. The owner of the system is liable now, and the owner of the system will be liable at the end of the day if they do not work. It's an onus on the owner of the system to make sure it is designed in such a way that it will work. The only thing we're talking about here is the inspection, that it's put in properly and the ability to enforce the cleanup if it isn't properly working.

Mr Sergio: Mr Gunn, it's good to see you again. I remember when you came down for the private member's bill. You have come a long way indeed.

The service that you provide doesn't deal strictly with the functionality of service, like plumbing. More important is the health aspect related to the service that you provide. What we hear begs more questions, because surely it stays with the owner of the building, but the health aspect certainly cannot rest with the owner.

Part of the service that you provide includes, as one of the presenters said, services, approval, inspections, penalties. Who is going to be responsible for that, to make sure that not only the functionality of the service that you provide but also the health aspect is looked after? Who provides that?

Mr Gunn: It depends. If it's downloaded to the municipalities, then it will be their responsibility. Where they come up with the expertise to carry out the program, I don't know.

Mr Sergio: Also, it has been said that Bill 152 presently allows for inspectors to be replaced with people with less or no experience and no training.

Mr Gunn: That's our concern.

Mr Sergio: What is your message to the government, that has presented this bill and evidently has not responded to your concerns?

Mr Gunn: The importance of having qualified people inspecting our onsite sewage systems is to protect the environment. To download this responsibility to municipalities, to people who don't want it — a lot of them do not want it because they do not feel qualified, they do not feel comfortable with it. They don't want it.

Mr Sergio: Before this bill becomes law, if it ever becomes law, do you think the government should really sit down with your people and make the necessary changes and listen to you as well as the AMO people — who have not been listened to, because they said they had not made any changes to the bill as they were discussed? Do you think the government should sit down with you people, to say: "These are serious concerns that we have. We want to see those changes"?

Mr Gunn: Yes, sir. We would really appreciate that opportunity.

The Chair: Mr Marchese, I'm going to give you a minute because you're such a nice guy.

Mr Marchese: I'd like to leave that minute for them to conclude with some remarks with respect to what you heard from the Tory caucus.

Mr Zyhar: As part of this submission, the last tab or the last section is a part of a submission that will be made in written form covering all of Bill 152. Mr Gunn was allowed to use this section of that written submission in his presentation today, and it deals more specifically with the recommendations that we would make, the legislative changes that we would make to Bill 152 to allow for a time frame for a proper certification and training program to be provided by whichever ministry is going to provide the program. But the March 1998 date, to allow for a one-week training session for between 300 and 700 chief building officials, is unattainable. It simply cannot be done. The building officials themselves have expressed that concern.

The Chair: Thank you very much, Mr Zyhar and Mr Gunn, for your presentation.

CANADIAN UNION OF PUBLIC EMPLOYEES — ONTARIO

The Chair: The next presenters are from the CUPE — Ontario, Brian O'Keefe, who's the secretary-treasurer, and Doug Allan. Good morning, gentlemen.

Mr Brian O'Keefe: Good morning, Mr Chairman and members of the committee.

The Ontario division of the Canadian Union of Public Employees is pleased to submit our views on Bill 152. There are well over 170,000 CUPE members in Ontario. We work and live in every county, district, town, township and city, from one end of the province to the other. We provide services to the public. Many of us have a vital interest in this bill, including tens of thousands who work for municipalities, child care facilities, public housing authorities, ambulance services and public health boards.

The government classifies Bill 152 as part of its Who Does What initiative. The major effect of the bill would be to transfer to the municipalities responsibility for the funding and in some cases the delivery of certain services. The areas directly affected by the bill are ambulance services, child care services, sewage system inspections, boards of health, GO Transit and social housing.

Although far-reaching, Bill 152 is just one aspect of a reconfiguration of provincial and municipal powers. Two key facts stand out. First of all, as far as we're concerned this whole exercise is a money grab. What we see the government doing here is trying to extract in excess of \$1 billion out of municipalities in this province. This is going to lead to utter devastation of public services in this province. What we're going to see is massive contracting out and privatization of services, which will end up being substandard. The alternative is massive tax increases at the municipal level. This is outrageous. It's going to totally transform this province as we know it. It's going to lead to a polarization in this province between the haves and the have-nots, with very little in between. We are vehemently opposed to what the government is doing here. We see it very much as an exercise in grabbing a huge amount of money out of our municipalities.

Furthermore, we also see this as the government getting out of the business of governing in this province. We see this government having a job to do, and that is to protect and maintain our public services. With legislation like this, we see the governing of this government as being totally unacceptable.

Bill 152 undermines vital public services. The bill raises a wide variety of concerns, but the major problem is that the funding of vital public services that should be paid for through the provincial treasury will be transferred to municipalities. The transfer in funding responsibilities creates a ticking time bomb for the municipalities, the public and the workers employed in these services.

The government has presented this bill as if it naturally followed from the Who Does What panel. Indeed, this is suggested in the title of the bill. But the direction of change has been criticized by the chair of the Who Does What panel, David Crombie. So, for example, the Toronto Star on January 28, 1997, quotes Crombie stating that the decision to make municipalities pay more for social services is "wrong in principle and wrong in practice." Indeed, on the proposal to force municipalities to fund social housing, the Star quotes Crombie as stating that: "We had no discussion on social housing.... It was like it was done on the back of an envelope because it just sort of came out

of the blue." This is the way this government is governing. We find this totally unacceptable.

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We agree it is wrong to make municipalities pay more for social services. Here is why: Massive new costs to municipalities. The province has cut over \$600 million in unconditional transfers to the municipalities. At the same time, the province has transferred new funding responsibilities for ambulance services, public housing, GO Transit, public health boards and child care. This threatens the financial health of our municipalities.

It is also becoming clear that the costs the province has estimated the municipalities will have to pay for the transferred social services are unrealistically low. Public housing may need up to \$1 billion in repairs. Studies done for the co-op housing sector indicate that almost \$220 million a year will be needed to finance repairs and build up adequate reserves for Ontario's social housing. Yet the province has said it will make one-time payments of \$173 million to top up reserves for co-ops and non-profit housing and \$42 million for repairs for the Ontario Housing Corp. This is only a fraction of the true need, and does nothing to address the ongoing costs. Cities will face a choice between raising property taxes or letting social housing slide into American-style slums.

As well, the provincial government has based interest rates on the current historically low interest rates. But if interest rates increase only 1%, the operating subsidy costs will increase \$111 million annually. As well, the cost of rent-geared-to-income assistance will increase substantially if there is another economic downturn that causes people to lose jobs or incomes. This will come just as the municipality is facing rising social assistance costs.

This is also a problem for child care. The provincial government is forcing parents on social assistance who have school-age children to participate in the government's workfare schemes. This will require a massive increase in the amount of child care, driving up costs for the municipalities.

Cuts in service: Faced with these realities, we fear municipalities will decide to cut service. This could mean longer waits for ambulances, poorer quality of care, more privatization of public services and even more homelessness. Our safety and our quality of life will decline. Is this what the public wants? Absolutely not.

We should note that this could also mean cuts to other municipal services not even directly affected by Bill 152. Right-wing municipal politicians will place the issue as deciding what to cut: roads, garbage collection, public transit, social housing, ambulance services, child care or all six.

Unequal distribution of costs: For example, some regions will carry a higher share of housing costs simply because they have much higher levels of social housing; some will pay much less. Large centres, the province's key economic centres, will be threatened with extra costs. Worse, this reform will encourage municipalities to avoid public housing at all costs, as it will only mean greater costs for the municipality. Instead of a progressive vision

of mixed-income communities, this reform encourages the American scenario of affluent enclaves and low-income ghettos. Attempts to address this problem by pooling across upper-tier municipalities — across the Greater Toronto Area, for example — will only partially offset this problem, and again raises the question, why are these services funded at a municipal rather than the provincial level? The proposed reform threatens to polarize our communities.

Unequal service: Richer municipalities will be able to provide better service than poorer municipalities. This is hardly appropriate for vital social services like child care, public boards of health and ambulance services. Provincial funding of these services allows the province to enforce province-wide standards. So even though the existing ambulance service is delivered through a variety of service providers, the province is able to ensure a consistent level of service. Outside of Metro Toronto, which is large enough to ensure an excellent ambulance service by way of the large population base, the provincial government funds ambulance services on a line budgeting-cost recovery basis. This encourages province-wide quality control. Without this spending power, the ability of the province to ensure province-wide standards is reduced. Do we really want a society where one municipality provides adequate ambulance service and another municipality provides a lesser service?

It is interesting to note that until the early 1970s the province had exactly this sort of system. In some parts of the province ambulance service was rudimentary, to say the least. It was only when the province began to play a larger role in ambulance funding that we began to resolve these problems.

CUPE ambulance workers are so concerned about Bill 152 that separately, they too have developed a submission for the committee. We urge you to carefully consider their comments when they do a further presentation to you this afternoon.

The bill also sets the framework for deregulation of services. For example, in child care we expect that in the future all provincial standards and regulations will be eliminated, leading to a patchwork child care system. Compounded by the financial crunch, this may lead to low-cost, low-quality babysitting services, or perhaps to an exclusive focus on social assistance recipients, rather than all Ontarians. Our children will pay a heavy price for this. What we're looking at here is very much a voucher-type child care system, which is totally contrary to everything we believe about quality, accessible child care in this province.

A regressive tax system: Municipalities get much of their income from property taxes. But property taxes are an inappropriate way to fund social services. This is because property tax is a regressive tax. Those with lower incomes pay a higher percentage in property taxes than those with a higher income. Social services should be paid for out of income taxes, where high-income earners can pay a higher percentage than low- and middle-income earners. This means that the money should come from

senior levels of government, not municipalities, which cannot levy such taxes. We have made this point over and over at the Canadian Union of Public Employees.

In effect, working people are getting a double whammy. First, the bill undermines social programs that primarily benefit working people. Second, it requires payment for what remains through a tax system that favours the well-to-do over working people.

Privatization: This bill and other related moves by the government will put a financial squeeze on the municipalities. While many progressive municipal politicians will resist privatization, inevitably, right-wing politicians and consultants will call for the privatization of services. We know that public employees can provide high-quality, efficient public services that cannot be matched by contractors skimming a profit. Nevertheless, privatization will be sold by consultants and others as a way of cutting costs through low-wage, non-union labour. This will only lead to conflict within the municipal sector. It is time this government backed off confrontation and moved towards a conciliation process with their key partners and stakeholders in all these services.

Attacks on workers: With the money crunch, some right-wing politicians or consultants may set their sights on municipal employees. We will do everything in our power to ensure that workers do not pay the price for these reforms. One area of particular concern is the wage subsidies for child care workers. These subsidies represent a substantial portion of the wages of low-paid women workers. We fear the provincial government may use the occasion of downloading of child care responsibilities to the municipalities to slash its costs by eliminating or reducing the wage subsidy to these low-paid workers.

Pay but no say: The provincial government is rushing to force municipalities to pay for these services. But in many instances — GO Transit, ambulance services, public housing — the provincial government is not in a position to hand over the operation of the services to the municipalities. As a result, the municipalities have to pay for services over which they have no control. We're seeing a situation here in Metro Toronto where there's going to be a massive problem when we go into the new city. For example, in social housing alone we're talking about \$400 million being dumped on this municipality, and that's aside from the cost of repairs, which has been estimated at a bare minimum of about \$200 million. That's going to put an enormous squeeze on this municipality. You should take that into consideration.

Municipalities will have to pay whatever the minister deems for these services, but it will not be until some point in the future that they will have actual control over these services. This is a poor form of public accountability and an inauspicious start to reorganization. It would seem here that not only is the government dumping these services on the municipalities, but behind the back door there's also an attempt to retain a degree of control through grandfathering and a number of other measures. So the funding power has been given to the municipalities, but there's an

authoritarian process going on in the background to still try and pull the strings. We find that totally unacceptable.

Moreover, we must ask why the provincial government is putting the municipalities in this awkward position. Why are they in such a hurry, when the organizational change is not in place? We believe this points to an important goal of this bill: to pay for the government's ill-advised provincial tax cut that only benefits the rich and does very little, if anything, for working people. Bill 152 represents one way in which working people will be asked to pay the price, with higher taxes, user fees and slashed services. This bill must be withdrawn.

Thank you for your time.

The Chair: Perfectly timed; 15 minutes on the button. Thank you very much for coming.

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CITY OF SCARBOROUGH

The Chair: The final presentation this morning is by the mayor of Scarborough, Frank Faubert, and Estelle Lo. Good morning, Your Worship.

Mr Frank Faubert: Good morning, Mr Chairman. This is a very large issue, certainly a bill with a lot of implications. It may be difficult in 15 minutes, but we'll try. We hope to maybe leave a little time for some questions.

You have our handout, basically the agenda that we'd like to run through. We call this Shifting Service Responsibilities.

The Chair: Everyone has that, sir.

Mr Faubert: I'd like to touch on downloading impacts. We have a chart here for the information of the committee that shows the impacts on the new city pre-pooling and the impact after pooling. These figures come from the Ministry of Municipal Affairs and Housing, its own statement of October 6, showing the impact on the new city. My issue, of course, is addressing the impact on the new city. I'm sure the 905 area might have a different perspective on this legislation.

The Chair: I'm fairly certain it does.

Mr Faubert: Our position clearly relates to pooling, both the cost of social welfare and the pooling of the unified residential rate as it relates to education. Our position is it's clearly not revenue-neutral. I don't think that's any surprise to the members of the committee, and certainly not any surprise to the minister. The impact, as we figure it, on the new city will be at least \$66 million, and could be as high as \$80 million. That's the best figure we can come up with.

We know that capital impacts are not factored in. There are future capital budget pressures of approximately \$714 million over the next five years to cover the loss of provincial subsidies to the TTC, transportation and housing. This is in addition to the \$215 million currently earmarked for social housing. The estimated impact on the city of Scarborough taxpayers is about \$6.8 million, equal to about a 1% tax increase. The original impact was \$36.6 million, or a 5% tax increase.

Our statement is something you've probably heard continually, but it's too much, too fast. A lot of these implications should be absorbed over a period of time, such as the dumping of provincial responsibilities. From a personal perspective, I don't know how the province expects to maintain the provincial interest in many of these when they simply offload them on to the municipalities. Social housing is one of these. Social housing costs are not something that should be dumped on to the new city. We still think clearly that's a Greater Toronto Services Board responsibility that should be looked at on that basis.

The issue of pooling — is it fair? From a new city perspective it is. It's a savings of approximately \$280 million. We know the objection the 905 areas have to it, from my position with the GTA mayors, but they have the same position that they can apply to the community reinvestment fund and the municipal capital fund and operating and restructuring. They also have that option with the province. I'll get to that a little later, because we're still not clear as to the actual rules of the application of that.

We know that Metro is the catchbasin for the region's social problems, social issues. Metro has 20% of the population of Ontario, it is home to 35% of the people who are general welfare recipients, it has seven times more homeless, a higher proportion of single-parent families, it has a waiting list of 17,500 for day care and a poverty rate two times greater than the average of the GTA. But those costs are then paid for by the residents of the new city. It's estimated that one third of the GTA workforce comes in to Metro each day, and also uses roads, transit, police and ambulance.

Is pooling fair? Again, we say pooling should share responsibility for the needy, while increasing fiscal equity between the new city and its neighbours. The prosperity of the perimeter depends on the prosperity of the core. That's an argument that will continue to be made in the future. On that basis, it's a fair argument. A common argument is, should social services be financed through property taxes or income taxes? That's the real issue of this whole debate. Do you make everyone pay, or should the region pay, on that basis?

On education pooling, the province-wide uniform tax rate will be an \$18.5-million benefit to the new city over the alternate taxation model, which proposed a 50% reduction in residential education property taxes.

Our position on Bill 152 directly is on social housing, pooling eases the financial burden on the new city by \$111 million, but it downloads responsibilities still estimated at \$129 million, plus the impact of necessary and unfinanced capital improvements. We know the minister's position on this. The minister at AMO said that further savings in the social housing portfolio would be made before it is downloaded. I haven't seen any evidence of it yet. That's a great concern, obviously, to the new city.

The concern over downloading in this portfolio is infrastructure is in bad shape. The word here is "shambles," but other words could be used. It's not in good physical shape. That's the cost that's being downloaded. The conservative estimate is about \$257 million. I think that's

based on property standard requirements that are already against existing social housing property within the whole greater Toronto area.

Mr Leach has accepted the social housing reform committee's recommendation to look at finances, standards, how rents will be set, roles and responsibilities of various players and the future ownership of Ontario Housing. When will recommendations be implemented? Are they just going to be now put over to the new city to implement? We feel that it's the responsibility of the province to implement those prior to handing over the social housing.

Public health and land ambulance services: Maintaining provincial standards is important in this jurisdiction. We support the province's position on that. Pooling eases the financial burden on the new city by approximately \$35 million in this particular area, but downloaded responsibilities are still estimated at around \$37 million.

The new city ambulances are already effectively regionally based. Bill 152 does not have a dramatic effect on ambulances. The real download problem for ambulance is in the health services restructuring bill.

The argument against downloading is that public health services are directed at all citizens and should be financed through income taxes. I think you will have heard that before, and you'll probably hear it again. It's a philosophical argument about who should pay for social and health services. Property taxes should pay for hard services related to property; it's quite simple. That's the direction that municipalities grew in, and it's the philosophy under which money is raised from property taxes for services directly to property.

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On child care, pooling eases the financial burden on the new city by \$5 million, but downloaded responsibilities are still estimated at \$5 million. The new structure has delivery of most child care services at the local level, but within comprehensive provincial standards to provide the best possible child care for children. We do endorse that particular model.

I want to leave a little time for questioning, but I would like to touch on GO Transit, though. While pooling eases the financial burden on the new city by \$31 million, there's still a downloaded responsibility of approximately \$117 million plus the impact of capital. The impact of capital has yet to be determined.

Assessment function: The administration of assessment delivery is one of the several areas left hanging, which will affect the development of our budget and cash flow requirements. The downloading of function is expected January 1, 1998, in spite of what Mr Lastman said. We are expecting it on January 1, 1998. We also request additional information on provincial consideration of an assessment delivery corporation. That was the original recommendation that came out on how assessment would function in the new city. The new city must participate in policy development. We think that's essential, related to assessment.

Our conclusion is we fully endorse the pooling of tax dollars as a method of sharing responsibility for our residents.

Analysis shows reallocating responsibilities between the provincial and municipal governments is clearly not revenue-neutral. In spite of the fact that you keep saying it is, it isn't. If it is, the province has yet to prove anything to say it is. The figures that came out on October 6 clearly show it is not revenue-neutral. We'll continue to say that, because that's a fact.

A key concern within Bill 152 is the condition of the social housing infrastructure that will be handed over, that requires additional financial support. We have five recommendations:

(1) The province needs to find the city an additional \$66 million. Where is the revenue neutrality?

(2) We recommend the province hold strong on their pooling decision.

(3) We recommend the province finalize decisions which have fiscal and service impacts affecting municipal operations in 1998.

(4) We recommend the province clarify terms and conditions of funding available through the community reinvestment fund, the municipal capital and operating restructuring fund and any other earmarked funding as soon as possible, to allow municipalities to plan their operations for more than one year. There's \$500 million in the community reinvestment fund and there's \$800 million in the municipal capital operating fund, but no one knows how you apply, no one knows the conditions under which they would be given anything and no one knows whether that fund is adequate to meet the needs of the municipalities across Ontario.

(5) We also recommend property taxes be reserved for hard land-based services. Social services should not be financed through property taxes, but through income taxation.

An interesting sideline to this is this question is on the ballot of many of the municipalities in the upcoming municipal election. It has not been asked for by the province, but I would suggest there may be a very enlightening result from those ballots.

That's our presentation, Mr Chairman.

The Chair: Thank you, your worship. I think we have a couple of regional chairs coming this afternoon. We'll be looking forward to comparing your comments with theirs. We have time for one caucus.

Mr Jack Carroll (Chatham-Kent): Thank you, Mayor Faubert. Just a little philosophical discussion here. Your last item, "...recommend property taxes be reserved for hard land-based services. Social services should not be financed through property taxes" — I take it from this that you disagree with us removing \$603 million worth of education costs from the property tax base?

Mr Faubert: If the issue is a wash, yes, I would rather have that education tax back and you take the social services. I think that's clearly a situation that should exist.

Mr Carroll: The fact that education costs in the last 10 years have spiralled out of control certainly —

Mr Faubert: But that's a different issue. I agree with you. If that's your issue, then deal with that as an issue. Simply taking them off and saying you'll control them is not the answer. If the issue was controlling them from the boards of education level, then you should have simply dealt with it on that basis.

Mr Carroll: But you agree with the public health and the land ambulance and those issues. How would you have dealt with those in your scenario, then? You say you agree with Bill 152 in those areas.

Mr Faubert: In those areas, yes, but those are physical areas in that sense. We're talking about the major cost functions, ones that are open-ended, such as social services, such as the cost of social housing. This is also not just the social housing, this is such things as long-term residential care, it's an area of escalation of costs well into the future. Those are concerns for us.

Mr Carroll: So is it your contention, then, that municipalities are not in a better position to administer and deliver the services like social housing?

Mr Faubert: That's right. I think they're not in a position to meet the costs; the costs should not be from residential taxes.

Mr Carroll: But you talk about pay for say. You believe that municipalities and municipal elected officials are not responsible enough to deliver those soft services to their residents.

Mr Faubert: That's not the issue. The issue is to find the dollars to do it. I think they have as much responsibility as the provincial government in that sense, and they could do it adequately. As a matter of fact, I would stack the public service of many of the cities within the metropolitan area against the public service of this province any day, and I think they'd come out on top. I'm well acquainted with the public service and the quality of service in the province, having been a former member.

Mr Carroll: We found you the dollars by removing part of the education.

Mr Faubert: You didn't find us the dollars; you found part of the dollars. You also didn't take it off businesses. You seem to be taking it off the residential taxpayer, because it's more politically astute to do that.

Mr Carroll: So you do think that municipally elected politicians and their administrators can in fact do every bit as good a job as the province at delivering these soft services.

Mr Faubert: If they had dollars, but you're talking about raising the dollars from the realty tax base. That's one of the big things.

The Chair: Your worship, we've run out of time. We'll give you the last word.

Mr Faubert: Oh, is that the way it works?

The Chair: I'm sure all members would love to ask you questions, sir.

Interjections.

The Chair: Gentlemen, please. We have indeed run out of time. Ms Lo, your worship, thank you very much.

Before we recess, ladies and gentlemen, there will be a brief subcommittee meeting, if the two or three members could stay for a few minutes.

The mayor of the city of Toronto was scheduled at 1:30 but has cancelled, so we will therefore recess until 1:45.

The committee recessed from 1158 to 1348.

The Chair: Ladies and gentlemen, we'll reconvene.

We do have a subcommittee report. Ms Munro, if you could present that to us.

Mrs Julia Munro (Durham-York): I move the following subcommittee report: that the first day of clause-by-clause consideration will take place on November 5, 1997.

The Chair: Discussion?

All those in favour? The motion carries.

REGIONAL MUNICIPALITY OF HALTON

The Chair: We will now commence with our presentations for this afternoon. We have the regional chair of Halton, Joyce Savoline. Good afternoon, Ms Savoline.

Ms Joyce Savoline: Good afternoon, Mr Tilson. My CAO is also here this afternoon. He has just stepped outside to take a telephone call, but he'll join us in a second.

The Chair: I think he's right behind you.

Ms Savoline: That's good. I like him right behind me — supportive of me.

The Chair: Sure. As you know, you have 15 minutes to make your presentation, which will include time for questions, if you have any.

Ms Savoline: Our brief has been prepared with that in mind. I really appreciate this opportunity to come before you. I am Joyce Savoline, chairman of the regional municipality of Halton. I appear before you today on behalf of regional council to provide a submission on Bill 152, which is the Services Improvement Act, which as you know implements the government's Who Does What reform agenda.

Earlier today you heard from my council colleague Rob MacIsaac. I believe he was here at 10:45. He presented a detailed submission on schedule A of that bill, which deals with the transfer of ambulance services to municipalities. I would like to focus my submission on other aspects of that bill, in particular, first of all expressing general concerns over the government's Who Does What initiative, and secondly raising specific implementation issues contained in other parts of the legislation.

Regions have been proponents of change for many years in Ontario. Many of us, including Halton region, have been innovators in providing better services, especially at a lower cost to the taxpayer, so we applaud the government's objectives for the Who Does What initiative. Your goals are our goals. We believe in those goals. Those goals are for better, more efficient government services, a streamlined and more accountable government — and all this at a lower cost to the one taxpayer. Who could argue with such laudable goals? We can't. As I've told you, these are our goals too. In fact, we've implemented a lot of these initiatives in the last six to eight

years. Unfortunately, things have gone off track and the government is putting its own objectives at risk. In fact, these goals could be severely compromised.

Halton submits that the Who Does What initiative, as currently planned, will download almost an additional \$1 billion on to the property taxes province-wide. For example, in Halton this initiative will add another \$69 million to the property tax bill. That's equivalent to our entire tax levy in Halton. The government officials insist that there is only \$46 million being transferred as a result of this initiative. We are far apart in these numbers. These are not our numbers, I will stress; these are the Ministry of Finance's own figures.

What about revenue neutrality? Suddenly and mysteriously, the elimination of Ontario municipal support grants and downloading of 3,300 kilometres of provincial highways no longer are a part of the government's Who Does What initiative. Both measures were announced for the first time during the mega-week ministers' statements. On January 15, the previous Minister of Transportation, Mr Palladini, announced the transfer of highways, and on January 17 the Ontario municipal support grant was announced by the Ministry of Finance's backgrounder, the fiscal scorecard that was provided. Those were the first documented incidents that we know of — and we've had your ministry staffs look back. There is nothing documented previous to that about the transfer of those initiatives.

Whether the government chooses to call these actions something other than WDW is irrelevant. These two measures alone will raise property taxes by over \$750 million in 1998. Let's make no mistakes here: The sum total of all the government's actions are not revenue-neutral on the property taxpayers. It's a myth. Property taxes will increase significantly in 1998 if the government does not change its position.

As I stated previously, Halton supports the goals of Who Does What. We need disentanglement. We need to cut through the myriad levels of bureaucracy and deliver cost-efficient services to that one taxpayer. We need to make the level of government that delivers and pays for the service also accountable for that service. That can only be accomplished if management responsibility comes with the delivery and financial responsibility. Unfortunately, this does not seem to be the case.

Bill 152 seems to be drafted under the assumption that municipalities will simply be cheque-writers and bill-payers — essentially tax collectors for the province. For example, management responsibility for social housing will not be given to municipalities until the year 2000. That's at the earliest. But the province expects property taxpayers to start paying the bills on January 1, 1998. The same can be said about ambulance services. Halton recommends that service transfers to municipalities not proceed until the province is prepared to also hand over management responsibility. Then and only then will we be able to find the efficiencies that you're asking us to find.

With each piece of new legislation tabled by this government, the powers of ministers through regulation

are increasing at an alarming pace. This has made the task of commenting on specific legislation extremely difficult, because we have to rely on the government's stated intentions and on information from ministry staff, without the benefit of seeing draft regulations. It's kind of like working in the dark.

In many instances, ministry staff still want to be prescriptive, instead of allowing municipalities to manage their own programs so we can be innovative and flexible. The regulatory powers granted to ministers under Bill 152 have the potential to create a very prescriptive, inflexible service delivery system, and this must be avoided. If municipalities are expected to pay for the service, we must have a meaningful say in terms of how a service is delivered and, more importantly, to what standards. While Halton recognizes the need for safeguards and certain minimum standards, the government must be less prescriptive and let municipalities manage our own affairs.

The regulations in Bill 152 will allow the government to implement its plan to pool the cost of public health services, ambulances, child care, social housing and social assistance among all GTA municipalities. Pooling violates the government's own stated objectives. That is to say it fails to make the system simpler, it certainly fails to make governments more accountable and it fails to lower costs. In fact, since service levels and spending vary significantly across the GTA, pooling will actually raise costs and taxes in the GTA as services gravitate to the highest levels.

Think about these two examples: Why would Halton continue to spend \$20 per capita on public health services when it would have to pay for a share of Toronto's \$49 per capita spending? Why would Halton continue to provide only 11 days of child care services per child in the age group of zero to four, if our residents would be forced to pay for the costs of providing 37 days of the same kind of service in Toronto? Halton residents will end up paying for higher levels of service, which they do not receive, have no input into and certainly cannot control. This is simply not fair. This is not pay for say, and taxes will increase as a result.

I would now like to turn my attention to a few specific provisions in the bill. Schedule D is the amendments to the Health Protection and Promotion Act. This schedule of Bill 152 gives the Minister of Health far-reaching powers over the jurisdiction and affairs of local boards of health, even though the government announced under Who Does What that public health would become a 100% municipal responsibility. For example, following an assessment under subsection 82(3), the minister may direct a local board of health "to do anything that the minister considers necessary or advisable to correct" any failure of that subsection. In addition, the minister retains the power to appoint or dismiss the medical officer of health. This kind of intrusion into municipal jurisdiction does not apply to any other municipal service or other professional appointment, and goes far beyond what we feel is necessary.

Halton recommends that these provisions be removed. The province's interests should be limited to setting broad

policy objectives, such as determining standards. Municipalities should be left to determine how best to manage, administer and deliver these services. If municipalities are supposed to be 100% responsible, then please just let us do it.

Under schedule E, which has the amendments to the Toronto Area Transit Operating Authority, or TATO, Halton supports maintaining the existing governance structures for GO Transit, including TATO, and the existing GO Transit board. These arrangements have worked effectively and the participating regions have worked well together. I can't stress that more. At this time, Halton sees no need for the creation of a new entity like the Greater Toronto Services Board to oversee GO Transit. Why fix something that isn't broken?

With respect to a cost-sharing model, the bill empowers the minister to make regulations governing how the cost of GO Transit is to be shared among the five regional municipalities and the new city of Toronto. The province's August and October packages proposed cost sharing based on morning ridership only, which is discriminatory and an unfair allocation of costs which fails to recognize the significant benefits to Toronto. A fair apportionment model must reflect all the benefits of GO Transit, both in the 905 regions and in Toronto. Accordingly, Halton supports a hybrid funding model which combines factors such as usage and amount of service with ability to pay, for example, property tax assessment.

1400

Moving on to schedule F, which is the Social Housing Funding Act, Halton believes that the transfer of responsibility for social housing is premature and should not proceed on January 1, 1998. The issues at hand are extremely complex and involve many players: the federal government, the province, the municipalities, non-profit housing providers, tenants and a list of many more. Since the program is currently undergoing a significant redesign and overhaul and negotiations on funding with the federal government are incomplete, the province should not proceed to enact this part of Bill 152. The transfer of responsibility should be delayed until all issues have been resolved. To proceed with the transfer at this time would reduce municipalities to mere cheque-writers. We would have no control over the program or its standards or costs, even though we would be paying 100% of the bills. We need to be able to manage the programs if we are to find the efficiencies. We can do that, if you'd just let us have them.

In concluding, I would like to thank the committee for this opportunity. It's always good to come together and talk. We appreciate the ability to comment on Bill 152 and on the general direction of the province's Who Does What initiative. We welcome constructive dialogue with the province, so that together — I stress "together" — we can both improve services, increase accountability and lower costs to our one taxpayer.

The Chair: Ms Savoline, thank you very much. We have time for questions from one caucus.

Mr Marchese: How much time do we have for that question, Mr Chair?

The Chair: You've got about three minutes, Mr Marchese, so be very careful.

Mr Marchese: I had several questions. I know you obviously are objecting to pooling. I object to the fact that the province is taking over education funding, because I believe they're doing it to reduce the level of funding. It has become quite clear over a short period. In so doing, they then have to transfer a whole lot of other soft services down to the municipality, which I object to. I don't believe housing is something that should be administered by municipalities. I agree with your assessment, and others, that you're paying for it as of January 1 but have no management over it. So there are two problems with it. First, I disagree whether it should be handed over to you folks, but secondly, you're being asked to pay and not manage.

A number of people have commented on the fact that pooling solves some of the problems that Metro would be saddled with in terms of distributing that problem. Otherwise, it would be a financial disaster for Metro in particular. Given that some of the services are to some extent possibly shared and there's an easy flow of people with respect to many issues from the GTA to Metro, it would lessen the load to do so.

Do you agree that the minister or the government realized that unless they pooled, they would have serious financial problems on their hands, and to lessen that blow they've had to saddle you folks with that additional cost? Even with that, there are still shortfalls of money. Is that not a recognition, with the pooling, that there's a financial problem, that it's not revenue-neutral and that even with that we still have a problem to deal with on our hands in terms of financial shortfall?

Ms Savoline: I agree with some parts of what you said, but I disagree with some parts of what you said too. I'm sorry if I led you to believe that we're opposed to pooling, because quite clearly we are not opposed to pooling. That is the very basis upon which regions were formed. But when that pooling occurs, as it does in regions, on an equal basis, then pooling works. It's necessary to redistribute that money to make sure all of us are healthy in every possible way. So I don't disagree with pooling.

However, I disagree with the financial fix that's being provided to Toronto, because that does not in my opinion represent what pooling ought to do. If pooling is done on an equal playing field, if we're all working from the same standards and by the same rules, if we're all sharing revenues as well as sharing the expenditures, then pooling will work. But that isn't what's happening here. What's happening here is a one-way flow of money from one area into another, without any accountability for those people who are paying the bills to have any say in what's happening to that money. That's what we disagree with. But pooling is not something I disagree with.

The Chair: Ms Savoline, unfortunately our time has expired. Thank you very much for your presentation.

Ms Savoline: Thank you for the opportunity.

KINGSTON, FRONTENAC
AND LENNOX-ADDINGTON
BOARD OF HEALTH

The Chair: The next presenters are with the Kingston, Frontenac and Lennox-Addington Board of Health, Ian Gemmill, who is the medical officer of health, and — I hope I won't destroy this name — Alex Lampropoulos. Is that close?

Mr Alex Lampropoulos: Congratulations, Chairman, you got it right.

Mr Chairman, honourable members, I'm Alex Lampropoulos, chairman of the Kingston, Frontenac and Lennox-Addington Board of Health. I have served as a city councillor in the city of Kingston for 13 years. After I left three years ago, they reappointed me as a layperson to the board of health. This is my fourth year as the chairman of the board of health.

To my left I have the acting medical officer of health, Dr Ian Gemmill. I hope I'll give him some time to deal with some of the issues here.

The board of health, in our area at least, is a political governing body and the public health authority for the city of Kingston and the two counties. We have lost every single battle with the Ministry of Health. I think this is the fourth one; I hope I make some sense today and things will change. We have very serious concerns regarding certain provisions in the proposed amendments to the Health Protection and Promotion Act.

We are the body responsible for ensuring that excellent public health services continue to be offered to the citizens within our area. Some adjustments must be made in the amendments which have been presented to the Legislature.

Public health service is a long-standing and critically important essential service to the people of Ontario. Without a strong public health system in this province, a wide range of protective and preventive services that are offered up to now may be jeopardized.

The most obvious example is the potential outbreak of a communicable disease, such as the meningitis outbreak in Ottawa in 1991 or tuberculosis in the penitentiary system in Kingston and the area a couple of years ago. Unless there is a clear line of authority for the use of resources and for the responsibility to carry out these protective programs, the health of the public of Ontario may be at risk.

The issue I personally am going to deal with today is that one of the very worrisome proposals in the amendments is the ability to remove the medical officer of health as the executive officer of the board of health by regulation, by one stroke of the pen, if Bill 152 goes through as is.

Medical officers of health have been trained in public health; it's their job. This specialty includes four years of training in health administration, health law and the executive functions required for that position. When a bureaucrat, who is not trained in public health, is the CEO above the medical officer of health and has final authority over public health administration, such a bureaucrat may

not understand the requirements for health protection and disease prevention measures. The medical officer of health, from the experience I have had for six years now, is the person who is trained to represent the public health needs of each community in the province. Historically, the medical officer of health has been the person who has fought against municipal administrators — and I have witnessed this, because I was there — for clean water and proper sanitation.

1410

If the medical officer of health is not the executive officer of the board of health, then he or she may not be able to exercise their best judgement as professionals to determine how resources should be used quickly when a threat to the health of the public exists in the community, especially in emergency situations. It is foolish, to say the least, and very unfair to expect a person trained in public health to have the responsibility only but not the control over how resources will be allocated. Give the responsibility to the person and have a bureaucrat about him to guide him? That, to me, is useless. It would be a very tragic mistake, a tragic error.

At times we feel oppressed. We feel that we're cornered, we cannot move anywhere. At times I am hopping mad and I don't know where to turn, losing battle after battle with the ministry.

To implement this change now, when there are so many uncertainties in the near future, in funding for public health and even the integrity of the programs we have offered successfully, especially with the change to municipal funding — we have accepted that. It was the last battle we lost.

On behalf of the board of health of Kingston, Frontenac and Lennox-Addington, we strongly urge the Legislature to withdraw this amendment to the Health Protection and Promotion Act. We are asking you to convince the Legislature to do so. Thank you very much.

I have Dr Ian Gemmill, who might want to say a few things.

Dr Ian Gemmill: Thank you very much for the opportunity to speak with you folks today.

I'd like to cover three broad areas concerning the amendments to the Health Protection and Promotion Act, which are: (1) ensuring a smooth transition to municipal funding; (2) monitoring and accountability of boards of health to the government of Ontario; and (3) the overlap of the HPPA with some of the other statutes.

First, the KFL&A board of health is most concerned about the transition to municipal funding on January 1. Although there are provisions for obligated municipalities to pay health units for programs approved by boards of health, some transition concerns still exist.

Municipalities, for whatever reason, whether it be chaos due to municipal restructuring — which is happening in our area, for example — inability to raise funds in time or even disagreement with their funding liabilities, may not begin their transfers on January 1. This may very well leave boards of health with very serious cash flow difficulties.

In Kingston, we've been forced to upgrade our line of credit for the contingency that municipalities will not begin payment on January 1. Unless there is a failsafe and rapid mechanism to secure funds, we are concerned that lack of funding may lead to a disruption of service and layoff of public health staff. The protection of the public's health will then be at risk. There will be no provincial dollars to health units after December 31 of this year. The government of Ontario must ensure that there are no gaps in funding health units, even if it means amending the HPPA to require the provincial government itself to provide dollars in the interim, recouping them at a later time from the obligated municipalities.

All these points need to be absolutely clear prior to the new year, and regulation and administrative mechanisms must be in place to ensure that health units are not caught without the ability to continue the services that we are required to provide by law.

Next, the proposed amendments include the repeal of section 82(1), which gives the chief medical officer of health of Ontario the authority to intervene in health units for which there is concern that provincial standards are not being met. If the proposed amendments passed, this aspect of monitoring and accountability would be vested in the minister on a discretionary basis. There are a couple of problems with this.

First, the fact that the responsibility becomes political rather than statutory means that a minister may for political reasons ignore boards of health which are unable to meet provincial standards because of uncooperative municipalities.

In addition, discretionary rather than mandatory monitoring means that the public will not have ongoing assurance that the programs for which boards of health are mandated and municipalities obligated to pay are being carried out. The KFL&A Board of Health strongly recommends that there be a reinstatement of the autonomous monitoring responsibility of the chief medical officer of health to ensure that regular assessment of board of health activities and the funding by obligated municipalities to meet these obligations is reviewed regularly.

Finally, with regard to overlap of statutes, there are several provincial statutes, including the Municipal Act, the Municipal Affairs Act and the Municipal Health Services Act, which may conflict with the HPPA. For example, it is possible to construe the Municipal Health Services Act in such a way that a municipality could set up duplicate but gutted public health services and say they have fulfilled their obligations for funding public health.

In addition, the appointment of an auditor for boards is addressed in the HPPA, but they talk about auditors for boards in general in other statutes. It is critically important that boards of health maintain their authority to appoint their own independent auditors, rather than being forced to use the auditor of a larger municipality which as is allowed by one of these other statutes.

Further amendment is needed to the HPPA to state explicitly that its provisions take precedence over the

aforementioned statutes for matters concerning boards of health.

The KFL&A Board of Health feels strongly about the issues that we have presented to you today. We also support the position paper and presentation made to you by the Association of Local Public Health Agencies, of which our board is a member. We urge you to make the necessary changes to protect public health services through maintaining the authority of the medical officer of health, ensuring a smooth transition for funding when the municipalities take over, ensuring regular monitoring of board of health services by the chief medical officer of health and by ensuring that the HPPA takes precedence over other statutes concerning municipalities.

Thank you very much for giving us the opportunity to speak to you. We would be very happy to entertain some questions if we have time.

The Chair: Yes, Mr Lampropoulos and Dr Gemmill, we do have time for questions from one caucus.

Mr Hudak: I had two quick questions, if I could. First of all, thank you for your presentation. It's an interesting contrast to some presentations we heard earlier today from municipalities. I have a couple of questions to follow up on their suggestions.

First of all, in that municipalities are funding these programs, they'd like some flexibility. They're more than willing and able to meet the high standards that we're going to set, but they want some flexibility in how they do that. It's not clear to me, when you talk about the MOH being the chief executive officer of the board, why he or she would have to do things like payroll and purchasing. Do you think there's some flexibility in there in terms of what the role would be?

Mr Lampropoulos: The medical officer of health has been the chief executive officer for a number of years now. The law was revised in 1982. After that, from the experience we have, everything is in order. We are told that our own health unit was in the dark ages until this new —

Mr Hudak: I'm sorry to interrupt, but I just have a couple of minutes for questions and I want to get to the issue in particular. Wouldn't it make more sense if somebody else, perhaps the municipality, did the payroll and the purchasing and that sort of thing? Wouldn't that give more time for the MOH to concentrate on public health programs?

My second question is, how do you feel about counties acting as the board of health? It's another issue you can address, please, because that's something that comes up.

Dr Gemmill: What we're trying to explain is that there may be situations where there is going to be conflict. The medical officer of health has been trained to do all the things that you mentioned and will hire people to do them and ensure that they get done. But in the situations where there may be rapid action required — I lived through this in Ottawa in 1991, when there was a meningitis outbreak. We happened to have good support at that time from both the ministry and our regional government. If we had not had that in place, if for example the regional government

had said, "No, you can't buy vaccine. Sorry, we're not contributing to this," what would we have done to intervene in that very serious outbreak? That's an example of why the MOH really has to have the final say in what goes on.

I don't say the MOH is going to do payroll, but they're going to hire the right people to do payroll and make sure that person is doing the job, just as a CAO would do. But to have one person between the MOH and the CAO for the board of health would put an impediment, as we've said before, by somebody who's not trained to understand when action must be taken. Critical action must be taken at times. That can stand in the way of the necessary protections for the health of the population for that board of health.

1420

Second of all, I have lived in a regional government and I moved to Kingston to get away from regional government. I am back to an autonomous board of health, which I very much like. There are very few benefits, as far as I can see, for the health of the public, to have an MOH become part of the regional government structure. The MOH spends half their time sitting down around regional council in case somebody asks a question, rather than doing exactly the things that you've said, Mr Hudak, which are health-related things, which I now, in an autonomous board of health, am able to do. So no, I don't think counties or even regions should be boards of health.

Mr Lampropoulos: Could I add for 30 seconds, Mr Chairman —

The Chair: You've got 30 seconds.

Mr Lampropoulos: We are two counties and a city. To whom should the medical officer of health be reporting, to the city of Kingston CEO or to the other two CEOs of the counties? Or would you like us to have another CEO at the board of health to report to the CEO, and the CEO reports to the board of health? That would be a duplication. As I explained earlier, it would be a mockery of the system.

Dr Gemmill: The solution to this is to remove the ability to make regions boards of health, and just make them autonomous boards of health again. That will get the focus on public health, not on regional bureaucracy.

The Chair: Gentlemen, our time has now expired. We thank you for taking the time and making your presentation to us.

REGIONAL MUNICIPALITY OF PEEL

The Chair: The next presentation is from the chairman of the region of Peel, Emil Kolb, and Roger Maloney. I might inform members of the committee that the northern geographic half of the region of Peel is the town of Caledon, which is one of the most beautiful areas in the world.

Mr Emil Kolb: Thank you, Mr Chairman. I know you have the great pleasure of serving a beautiful area, the Niagara Escarpment and the Oak Ridges moraine. You

did an excellent job. Our privilege in being here today is to try to make sure you keep on doing that job.

Thank you very much for the opportunity for us to be here today. I don't want to make a written script of all of it; I want to keep to the main issues and the points, so my presentation will be more to points than verbalizing it.

Our council gave us the support of being here today. Council does disagree with how the downloading is being implemented. Until appropriate details are worked out, the province should keep paying and not transfer funding requirements on January 1.

Council strongly disagrees with the pooling across the GTA, because it will not improve services. It will be a disincentive to improve efficiencies and will seriously cloud accountability to all of us.

Pooling fails to recognize diversity in the GTA tax burdens and service levels and only pools expenditures. This is the point that was made earlier. Revenue is not included in that. We should not be into that until all of us are on the same assessment basis across this province.

Tradeoffs should be a permanent and sustainable revenue-neutral arrangement across the board, not only for one or two years.

We need to settle on standard approaches to service responsibility at the regional level. This will bring some sustainability to the municipal sector and accelerate planning and implementation. Address exceptions as they are needed.

Paying should be tied to the responsibility to manage and administer fully — taxation with representation; pay for say. I know you've heard that many times.

We would like opportunities for input for regulations. I believe probably half of your problem today with the teachers would not be there if there was an opportunity for us to have input into the regulations before they become law. We could iron out our differences before that happens. I think that's a very important point.

In your schedule A, you talk about ambulances. We cannot support the pooling of ambulance services across the GTA. Service levels, as you know, are far too different. It will be a \$3 million to \$5 million additional tax burden to the Peel property taxpayers.

We have been excluded from the opportunity to participate in the discussions that could help us understand the nature and the cost of these services. I think there have been many examples given, like when you look at one ambulance for so many thousands of people in the other areas, to what it might be in the 416 area.

A decision to terminate the ministry-provided ambulance services prior to a two year protection period will force municipalities only in partial agreement. We would suggest that the ministry give the same consideration they have given to the private sector by releasing them of that burden.

In schedule B, you talk about sewage disposal. As you know, Mr Chairman, in Peel we have spent a lot of money in the water quality and quantity. We also have been very responsible in ground water protection in the number of dollars we have spent over the last few years. We think

it's very important that sewage disposal or septic tank system approvals still be done by the region of Peel, where they can be followed up if there are any complaints, because of the negative impact it has on the water quality and the ground water.

Schedule C talks about child care. We are opposed to this, because it locks you into the same service. It makes child care mandatory, but there are too many unanswered questions, such as, child care will be mandatory, but at what level of service? We need further opportunities to have more details. For example, does "mandatory" mean at the current level, or can service levels go higher or lower?

In schedule D, you talk about public health. We believe that streamlining services is very important and is prescriptive and controlling. It should permit municipalities to organize the services within the ministry, setting the standards and what the outcomes are.

The medical officer of health does not need to be an administrative head, but must have a duty to the integrity of the health services and programs that are provided.

In schedule E is GO or TATO. As you know, I am a member of that board. GO works well as it currently is governed. We do not need the GTSB to run it. We also believe it's like the 400-series highways. There should be a great interest by the province in this, because if there was no GO, we'd probably double the lanes coming into these cities, for the economic development that we're talking about in the GTA and for the province of Ontario.

We are recommending that the province have a say in the expansion of the GO system and should be a partner with the regions in that, at 75-25, also making the regions responsible and accountable for the expansions that they want.

GO costs, as you know, have never been apportioned to the municipalities before, and to Toronto. It does need an equitable base. All the 905 regions have agreed to that and have done that by resolution. There are many examples and formulas that could be considered for this. We have suggested a few ways here. You will see our hybrid, and as Joyce has outlined before, there are many ways you can address that, whether it's by assessment, households, population; usage level indicators of passengers off and on; service-level, facility, indicators: seat-kilometres, the number of stations or the number of trains, or level of service that you might have in your area.

Social housing is schedule F. we're saying it's very unfair for us to be hit with \$30 million on pooling the housing. We would not be responsible and we would not be accountable, because we would not have the administration and management of that. As you know, we have a very good housing system in Peel. We are responsible, we are accountable to that. I believe we have 15,000 units there. We see that is the way pooling should be done. It should be done on a regional basis.

We need some type of consultation before the decisions are made on that. We would encourage that this opportunity be given. We also agree that the federal government must be involved in this, and the transfer of the grants

should come to the municipality, or those who are accountable.

1430

In summarizing, we're saying that paying should be tied to the responsibility to manage and administer fully.

We would like the opportunity to have input into the regulations.

Council strongly disagrees with the downloading and how it is being implemented. Until appropriate details can be worked out, the province should keep paying, and not transfer funding requirements as of January 1.

Council also strongly disagrees with pooling across the GTA, because it will not improve service. It will be a disincentive to improve the efficiencies. It will seriously cloud public accountability. It fails to recognize the diversity of the GTA tax burden and the service levels.

We also need to settle on a standard approach to service responsibility at the regional level. This will bring some stability to the municipal sector and accelerate planning and implementation. Address exceptions as they are needed.

Again, we believe very strongly that assessment must first be put in place. Once it is in place, we're all playing on the same level. We'd be happy to answer any questions.

The Chair: We have questions, and we can probably split this among the three caucuses. Each caucus would have a couple of minutes.

Mr Mike Colle (Oakwood): Thank you, Chairman Kolb, for coming. By the way, I want to compliment whoever put your presentation together. Sitting here as a member of a committee and seeing all these presentations, yours is very clear. It's got bullets and points. I know it's a minor matter for people out there, but I think it's an excellent way of getting the points across very clearly and succinctly. So whichever one of your hardworking people in the background did that, I want to compliment them for doing that.

The main question I have is, in terms of the standards you bring up a very important point. As you know, the city of Toronto, for instance, spends 150% more per capita for health services than your region or the other regions would. How do you get to a point where you set up a standard that is acceptable to people, let's say, in the city of York and the city of Mississauga, where the level of health services satisfies both, so you don't find yourselves with that real dichotomy of service and dichotomy of costs?

Mr Kolb: One thing we've always said is that the province should be setting the first standard, and then if the municipality feels it wants to add to that or go above that standard, then it should be accountable by paying for whatever it adds above that. That way, we would all be on the same level playing field. But it is very necessary for us to work together with the province in determining what that first standard should be. There would be the opportunity and the flexibility then, so if a region or a municipality or a city wanted to increase that above that, they

would have an opportunity to do that, and they're also accountable to that.

Mr Marchese: I have lots of questions, but we won't have the time. Is it fair to say that this download has caused a whole lot of headaches for you guys in that region?

Mr Kolb: We were always prepared to work with the disentanglement, and we believe the disentanglement was something that was going the right way. It was the different announcements that started to make the issue cloudy. It was when the pooling announcement of August 6 was made that it really clouded our issue.

If I may just add quickly to that, we can only work with the numbers that we've got from the province. We're saying that we have some discrepancy in those numbers and we would like to clarify that.

Mr Marchese: So at the moment there's a serious discrepancy, you will admit. It's not revenue-neutral, as they claim. From your own numbers, you're discovering there are problems, right? There's a shortfall.

Mr Kolb: We think there's missing information. Every time our people look at it, they ask questions, but they've never been able to get those answers out to know whether it's in or not.

Mr Marchese: Why not? What's going on?

The Chair: Thank you, Mr Marchese.

Mr Hudak: I had a really quick question. You talked about, the province should maintain the current provincial services — I think there are 10 of them — for the next two years. Why not put them to an RFP? If we can find somebody to deliver them at the same quality at a lower price, it reduces the cost to the taxpayer.

Mr Kolb: Listen, we believe very much in the partnership. We started benchmarking at the region of Peel against the private sector, and we want to bid with the private sector. We're not opposed to that. In fact, I don't know whether you know or not, but GO put out 14 routes last year to the private sector, and GO ended up with the contract because it was cheaper than the private sector.

Mr Hardeman: Thank you for your presentation. I just wanted to go quickly to the issue of equalization of assessment across the GTA. You indicated in most of your presentation that you didn't think it was appropriate, but then in questioning from the opposite side you said that you were more concerned that service was set at a minimum level; if a municipality wanted to go above that, they should pay that on their own. Are you suggesting that an equalized level of service is appropriate to be equally assessed across the people who are utilizing that service?

Mr Kolb: If I may just elaborate on that, there are many services the region now provides. Policing is one very important one. The province does set standards in that; we all have to adhere to standards in that. If we want to change a program beyond that, we're accountable for that.

What I'm saying to you is, if you want to create pooling across the GTA, then first of all put the assessment in place and make sure that within the 905 and within the 416 area, we're all on the same year, let's say

it's 1996 or 1997 or whatever you want. But you can't have one municipality on a 1949 assessment and the others on a 1996 assessment and say that's the same playing field.

The Chair: Thank you very much, Mr Chairman and Mr Maloney, for coming.

GEORGIAN BAY ASSOCIATION

The Chair: The next presentation is Mr John Birnbaum, who is the executive director of the Georgian Bay Association.

Mr John Birnbaum: Are you sure there isn't another group before me? They're not available?

The Chair: There was, but it was cancelled. Are you ready to proceed?

Mr Birnbaum: Yes, I am. Is the committee ready to hear me? I see some missing faces.

The Chair: I believe people will be returning, sir. We thank you for coming. You have 15 minutes to make your presentation.

Mr Marchese: Perhaps, Mr Chair, we should just wait a few moments until a few members come back. It's not fair to the speaker.

The Chair: That's a fair comment. I'm going to recess for a couple of minutes.

The committee recessed from 1438 to 1440.

The Chair: The Chair now sees a quorum. Mr Birnbaum, you may proceed.

Mr Birnbaum: Good afternoon. The Georgian Bay Association is a voluntary umbrella organization representing 25 seasonal resident associations and 5,000 families on the eastern and northern shores of Georgian Bay and the adjacent lakes and water bodies. We're here today to offer advice and hopefully assistance to the committee on one narrow but, we believe, important aspect of this bill.

Our comments are focused on the need to include suitable amendments to this legislation to specifically permit willing municipalities with supportive residents to pass bylaws to direct their building or bylaw officials to conduct septic tank reinspections of residential systems, at a reasonable cost recovery fee to the owner.

As you'll know, Bill 152 transfers authority for septic tank inspection to the municipalities, something we have encouraged for years, since MOEE had neither the manpower, funding or apparent interest in the residential sector.

The bill also recognizes that the septic system will become part of the definition of "building" under the building code. It provides for the clear authority to review and approve new septic systems and it deals with emergency failures or response to complaints, but the bill is silent on the subjects of reinspections and fee for service. We speculate that this is because the assumption was made that it was possible to simply wait for systems to be replaced and that the new system application would then be sufficient to overcome problems.

The Georgian Bay Association and several municipalities in the Muskoka and Parry Sound districts strongly believe that reinspection is urgently needed to reassure ourselves that public health and water quality are being maintained and protected. These areas currently have no homes on water or sewage lines; all are on septic systems. We're excluding the few urban areas like Parry Sound from that comment, and obviously the large municipalities in Muskoka.

Recent sample septic tank testing in some areas indicates that approximately 40% of systems require remediation or replacement. While the average sparsely populated rural townships might not be interested or feel compelled to conduct reinspections, we are very anxious to begin as soon as authority is given to municipalities in March 1998. For example, the township of the Archipelago and the township of Georgian Bay are currently contemplating comprehensive reinspection programs for 1998 and beyond, but are currently struggling to find a clear legislative path to begin.

Your municipal affairs and housing ministry officials have been helpful in suggesting that authority might already exist under a confusing combination of the Planning Act, the Building Code Act, Bill 96, which is the Residential Tenancies Act, and property standards regulations. However, most township building officials and our organization interpret these provisions to be useful only if "probable cause exists to enter the property."

Consequently, we appear today to ask for specific authority to be added to this bill using the term "reinspection" to "evaluate septic system performance and guarantee maintenance of public health," and to provide authority to "establish a reasonable cost recovery fee for this service." With this change, building officials can conduct inspections without objection, can provide the owner with a confidential evaluation and provide a reasonable time for remediation. Systems that have failed could be closed until replaced, to protect the health of the owner and neighbours.

Thank you for your consideration. There are literally hundreds of thousands of systems in place across Ontario, and owners have little or no knowledge of their condition. Responsible owners want this information and wish to make necessary improvements. Some townships, as I indicated, want to provide this service now that they have authority. You can make that possible by amending this bill to provide a clear path for a solution.

I'd welcome questions if time permits.

The Chair: Time does permit, sir.

Mr Marchese: Thank you, Mr Birnbaum. I have several questions. You make the statement, "As you'll know, Bill 152 transfers authority for septic tank inspection to the municipalities, something we have encouraged for years, since MOEE had neither the manpower, funding or apparent interest in the residential sector." You lead me to believe that somehow you think municipalities have the manpower, funding and/or apparent interest. Is that your belief?

Mr Birnbaum: Indeed they do. I've given two examples, and I believe there are many others in the Muskoka-Parry Sound area to begin with, and other cottage areas such as Victoria-Haliburton, to immediately begin these kinds of inspections. It's the kind of thing we've all been working towards, and these municipalities are very supportive. We have asked specifically for authority for the municipality to charge a user fee for this service, and we believe there would be widespread support among residents for that fee.

Mr Marchese: I see. Many have been very worried about the cutbacks already to municipalities and that this download will mean further cutbacks to the funding that is available to municipalities, and that as a result of all these factors, municipalities will be in a difficult situation to do exactly what you're suggesting. But if you say so, I'm assuming that in your area things will go well.

Mr Birnbaum: I'm suggesting that this is essentially a cost recovery arrangement.

Mr Marchese: Sure, through the user fee.

Mr Birnbaum: The municipalities have no money now, have no authority now, have been dependent on MOEE in the past to conduct these things. There's been a gesture, in fairness. Over the years, they might inspect a thousand systems. In fairness, this has existed under your government and the previous Liberal government. This is not a political statement.

Mr Marchese: Yes, I appreciate that. We're just worried that because of the shortfall, the municipalities are forced to go to a number of different areas through user fees to fund programs. Some people in your area may not mind that. It may be a minor cost; I'm not sure. But we're seeing more and more through this government particularly the introduction of user fees in a number of areas. I think it will add up. Do you think that's a worry for you in that area, or not?

Mr Birnbaum: Not in this case.

Mr Marchese: We had the Ontario Plumbing Inspectors Association earlier. They're worried about training and they're worried about the expertise not being there. You obviously don't have the same worry. They also worry that the training and certification of septic system installers and inspectors should happen, but the time frame may be too short between when they are paying and ready to take responsibility for this, that this may not happen. Do you have a concern about that?

Mr Birnbaum: With respect, I think you're mixing the training required for septic tank installers, who are still going to be licensed by the province and trained by the province.

Mr Marchese: And inspectors.

Mr Birnbaum: My understanding is that building inspectors or other municipal officials who would be responsible for reinspection would receive all necessary training within a couple of weeks through whatever means, either the province in its transfer through MOEE wishes to provide, or through the private sector under contract to MOEE to provide that training. This is not a complicated issue; this is a fluorescent dye flushed down the toilet and

then perhaps some fluoroscopes to note where it's penetrating. I don't think there's difficulty with the reinspection.

Mr Hardeman: Thank you very much for your presentation. I was somewhat intrigued with the issue of your suggested amendments to deal with reinspections, as opposed to just inspections. First of all, I want to say I recognize that there are sewage problems and systems that are not working properly. It's in the best interests of all that they be found out and corrected.

Representing the people who would own those beds, are you not concerned with putting it in that any chief building official in the municipality can walk in at any time and inspect the system and force remedial action without it being requested? I just want to go a little further on that. You suggested that he would then issue a confidential report to the owner of that system. I would have some question of, once you have found a system that isn't working properly, whether it would be appropriate to have a confidential report and not be in the position to enforce it to be acted upon.

Mr Birnbaum: There are two questions. I'll take the last one first, if I may. Obviously, the report would be sent to the owner on a confidential basis first. If that owner chose not to comply with the suggested remediation — I'm suggesting if it is remediation, as opposed to replacement, a reasonable time period would be provided. That could be as long as six months, 12 months, because obviously some systems are not accessible during the winter. Then, if that person did not comply, obviously he would be subject to the provisions now available under the various provincial acts that still apply, even though the municipality is taking over authority.

The first question was the suggestion that the building inspector would capriciously appear on the property and make the inspection. That's not anticipated. The anticipation is that the municipalities would publish a schedule of reinspections, would make it clear that the southern part of Cognashene or the northern part of Six Mile Lake would be inspected during the month of July 1998, these are the things you'll be looking for, this is the nature of the test, these are credentials of the person who would be appearing. We're not even convinced that it's necessary to enter the premises. In some cases, the system can be inspected externally. But we do want to avoid the very cumbersome and we think potentially expensive business of sending letters out, having letters come back, making appointments, all that.

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Mr Hardeman: So you are suggesting a total inspection of all existing beds, as opposed to a random inspection of some that may or may not be failing.

Mr Birnbaum: Yes. In fact, unless there is a serious deficiency, a real disruption, there is no evidence. There is no smell, there is no material on the surface. That's been our problem in the past. Even if there was a suspicion or concern, if you were lucky you could get an MOEE inspector out some time to look at the system. He would hop out of the boat, wander around the property, look for pools of sewage, smell the air and say, "I don't see a

problem," and he'd leave. Frankly, we had offshore water testing indicating serious bacterial contamination. That just would not have been found by that inspector.

Mrs Julia Munro (Durham-York): My question follows on Mr Hardeman's. I was looking for the same kind of thing in terms of what you are looking for as a trigger in terms of initiating any of this inspection that you're talking about. What you're saying, then, is that you want to suggest a blanket approach by the municipality.

Mr Birnbaum: Yes. In fact, it's our anticipation that 85% of the properties can be accessed with no difficulty, with the cooperation of the owner, that those people will then have that information. If there are holdouts or people who object to this on any number of grounds, when they become a minority of the population and community pressure and other things begin to identify who they are and begin to explore for reasons why they would be reluctant, they can be also serviced.

I think you'll find that this is neither draconian nor difficult. We're suggesting that you provide the mechanism for willing municipalities to proceed. This is not a request for you to mandate that all townships reinspect their systems. This is for a willing township to pass bylaws and for willing residents to cooperate in remitting cost recovery fees. This is necessary only because there's such a confusing trail through the other pieces of legislation. We felt this would be helpful.

The Chair: Mr Birnbaum, thank you. You've obviously stimulated a lot of questions. We thank you for the dialogue.

REGISTERED NURSES ASSOCIATION OF ONTARIO

The Chair: The next presenters are the Registered Nurses Association of Ontario, Jacqueline Choiniere, Jan Kainer and Lianne Jeffs. There are four people getting up, so you'll have to tell me who the fourth one is. In fact, perhaps when you speak you could identify each other. Thank you for coming.

Ms Jan Kainer: The fourth speaker is Barb Mildon, who is the chair of the community nurses' expert group.

Ms Jacqueline Choiniere: I'll just let you know who each of us is. I'm Jacqueline Choiniere, director of policy for the Registered Nurses Association. To my right is Barb Mildon, already introduced, chair of the community health nurses interest group. To my immediate left is Jan Kainer, and on the far left is Lianne Jeffs, both policy analysts on staff at RNAO.

The Registered Nurses Association of Ontario is the professional organization representing a broad network of over 13,500 registered nurses who practise throughout the health care continuum. The community health nurses interest group is our largest expert group, and includes over 2,000 community and public health nurses. We are very happy to be here to speak to this very important initiative.

Our response to Bill 152 will focus exclusively on schedule D, amendments to the Health Protection and Promotion Act.

Contrary to the title of this bill, we are not confident that taxpayers' money will be better spent, duplication eliminated, or that decision-making and allocation of responsibilities will be clearly delineated as a result of the proposed legislation. RNAO and CHNIG are on record with concerns around the devolution of public health to municipalities, specifically our concerns regarding adequate funding, comprehensiveness of services and an unnatural division or segregation of public health services from the remainder of the health care system.

The avoidance of these potential problems makes this particular piece of legislation particularly critical. Thus far, there's nothing within the proposed legislation that alleviates many of our concerns.

I'm going to speak on four general issues.

(1) The proposed legislative changes support a very narrow definition of "public health," one that is focused primarily on sanitation and communicable disease. We instead support a definition of "public health" that truly reflects and addresses the determinants of health.

(2) Access to public health programs is not adequately addressed in the proposed act.

(3) The bill obscures rather than clarifies the governance of public health services. The concept of "obligated municipality," for example, is particularly vague and confusing. There are also issues regarding the role and function of the medical officer of health and also regarding enforcement.

(4) Finally, I'm going to speak on concerns regarding public health funding. In view of the imprecise definition of "obligated municipality," the question arises as to who actually pays for public health programs. I will elaborate.

In the first area, under the definition of "public health," the proposed amendments to HPPA, as I've already said, do not adequately reflect the true parameters of public health within the act. Because focus is primarily on issues of sanitation and communicable disease — and we hasten to say these are very important functions — the act really does not reflect the current direction of public health policy research, which stresses much broader concepts and notions of public health.

We have a wealth of evidence that good health is strongly associated with a broad range of factors, many of which are connected to the social and economic environment. A recent Canadian Public Health Association report is just a recent in a long line of reports that link good health and wellbeing with employment, socioeconomic status, education, working conditions and many other variables. These are public health issues, and these fall squarely into health promotion and illness prevention activities. We need legislative recognition of this broader concept of public health — legislation that sets very specific goals in this area.

We therefore recommend that part I, section 2, which defines the purpose of the act, be amended to broaden the

scope and the term of "public health" to include these critically important determinants of health.

My second area of discussion is on access to public health services. We are concerned that the language in reference to mandatory programs and services guidelines is not adequately prescriptive. Subsection 7(1) of the HPPA states that the minister "may publish guidelines for the provision of mandatory programs and services." "Guidelines" as a term should be replaced with "standards." "Standards" is a more precise term, one that connotes compliance with a set of objectives or goals, rather than adherence to abstract principles.

The mandatory programs and services guidelines stress control of chronic diseases, and place a great emphasis on public education as one approach to disease prevention. We agree education is critically important, but we caution against a simplistic notion of education. It's certainly well known that merely having information available about a subject — smoking, for example — will not guarantee that individuals can or will access that information, or that they will act on it.

In short, one approach does not suit all in education. We cannot divorce the information and how it is shared from the very particular social and cultural realities of the individuals who need it. A woman living in fear of abuse is less likely to be concerned about health issues such as a smoke-free home than about the more immediate threat of abuse. Therefore, public health programs can only be effective if placed within and made relevant to the broader socioeconomic context.

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Part II of the HPPA requires every board to "provide or ensure the provision of health programs and services," section 4(a). However, it is not evident what constitutes provision of services. Other practical realities that must be considered in determining whether people truly have access to public health programs. For instance, can people in the municipality reach the service by public transit? Is the program available in different languages? Is the program designed for a diverse population? The act does not specify what provisions are needed to ensure true access to services.

We know that public health services which foster community involvement and support are particularly successful. A drop-in centre that caters to new mothers can promote the benefits of breast-feeding within a supportive community, and can also offer individual contact with and individualized assistance from public health providers. Therefore, we recommend that section 4(a) of the HPPA be amended to read that, "Every board of health shall... provide or ensure equal access to health programs and services required by this act."

We also recommend that the proposed paragraph 3 of section 5 be amended to read, "the prevention of injuries and the prevention and control of cardiovascular disease, cancer and other diseases." In other words, in the second recommendation, what is important here is working to prevent, not just and only having an education program available somewhere.

The third issue I want to discuss is regarding governance. Here we identify three issues. The first is management and administration.

Currently, the medical officer of health has two streams of responsibility, with overlap, of course. The first of these streams lies in the program area, and consists of medical consultation and decision-making related to diagnosis and treatment — and I quote from section 67(3): "management and administration of health programs." Included as well are the medical responsibilities in protecting the public from health hazards and specific disease processes. The second type of responsibility is the role of CEO, which includes the various and attendant activities of directing and administering employees.

Regarding the health program responsibilities, those clearly within the medical scope of practice must remain. However, a great majority of health promotion and illness prevention programs are planned, implemented and evaluated by public health nurses. This provision of service and related decision-making lies squarely within the public health nurse's legislated scope of practice. Therefore, we suggest that in many circumstances it is unnecessary for a medical officer of health to function as the "head" of public health programs and services when public health nurses implement and deliver a vast majority of those programs.

Regarding the second stream of responsibility, Bill 152 proposes an exempting regulation that would expand the management and administration functions to persons other than the medical officer of health. We agree with this proposed change. However, we believe that the only other persons suitable to perform this function would be public health professionals who also possess administrative expertise. The administrative and management requirements within a board of health are very specialized and should not be attempted by individuals without this critical public health knowledge base and professional practice experience.

Greater budget flexibility for some municipalities may result through disentangling the MOH from unnecessary CEO and program administrative duties. It may not be necessary for every board of health to appoint a full-time medical officer of health, and some boards of health could even share this expertise.

Therefore, we recommend the option for health care professionals other than the MOH to have responsibility for "the management and administration of health programs and services and business affairs of the board" and the "direction of staff." We support the proposed amendment to subsections 67(1) and 67(3) of HPPA, with the proviso that only other public health professionals be considered for this role.

The other area under administration and management concerns the term and definition of "obligated municipality." This concept, as defined in the bill, we find quite imprecise and difficult to interpret. The proposed amendments come into conflict with the existing regulations defining "municipality" in the current act. The current regulation in many cases lists specific lower-tier

municipalities as being part of the health unit area. However, the definition of "obligated municipality" may be confusing, depending on how the new regulation is worded.

Identifying an obligated municipality may be straightforward for some municipalities but very difficult to identify for others. Difficulties in interpretation arise when a municipality is coterminous with county or district boundaries. For instance, Simcoe county is the only municipality listed in the regulation establishing the Simcoe County District Health Unit. The cities of Barrie and Orillia are not listed. As such, this leaves the question of "obligated municipality" open to interpretation. Are the two cities considered part of Simcoe county, even though they are separate municipal entities? In short, who is responsible for funding health care programs for the county? This issue has been addressed in other submissions, such as the Association of Local Public Health Agencies'.

Given the multiple municipal amalgamations throughout the province in the past year, it is essential that consistency be ensured between the act and the relevant regulations that define municipalities.

We therefore recommend that the definition of "obligated municipality" be clarified. The regulations must be reviewed so that the definition of "obligated municipality" does not conflict with other relevant existing legislation.

The third general area for discussion is enforcement. Under section 73 of the current HPPA, boards of health are required to report to the Minister of Health or council of a municipality regarding legislative compliance. Section 73 is being replaced by section 86.2, which does not require boards to submit reports except in circumstances where "the minister is of the opinion that a situation exists anywhere in Ontario that constitutes or may constitute a risk to the health of persons." As such, accountability by boards of health is actually undermined in this bill because reports are only submitted at the discretion of the minister. It is unclear under what conditions the minister would request a report.

We therefore recommend that boards of health be required to submit reports to the minister at regular intervals. We further recommend that specific criteria be devised to determine whether program compliance has been achieved.

The proposed legislation provides sweeping powers to the government to ensure compliance. For example, the bill regarding sections 83, 84 and 85 here does not provide for appeals. We recognize that program compliance is essential, but we also recommend that we need an amendment that would permit an appeal to a ministerial order.

We also have concerns regarding the role of assessors and those who are assigned responsibility for monitoring compliance. These assessors have been given considerable latitude to inspect information and gain access to records, some of which may be confidential.

Therefore, we recommend an amendment to 152 that will restrict access to and ensure the protection and

confidentiality of personal health records by assessors if access should prove necessary to assessment.

Finally, in funding, while recognizing that the provincial government remains committed to funding certain programs, such as vaccines, immunization and healthy babies programs, we are concerned that many important programs currently 100% funded will cease operating when this legislation comes into effect. We have concerns. Specifically, we have concerns about the Sexual Health Network's position. We support their position that there be 100% provincial funding for sexual health programs, and similarly that there be 100% funding for the Public Health Research, Education and Development Program. The research and analysis and program planning that comes out of this particular centre is critical for all municipalities, all Ontarians.

To conclude, health promotive and illness preventive successes depend upon the delivery of comprehensive, accessible public health services. The health and well-being of Ontario residents must be protected by a strong public health policy framework. The recommendations that we proposed are meant to strengthen the HPPA and subsequently the wellbeing of Ontarians. Since it is the HPPA which governs the policy framework for public health services, it is crucial that its content be adequately comprehensive and that the language be clear.

We appreciate having the opportunity to make these points to the standing committee today.

The Chair: I know you had a lot to tell us. We do have your report for further review. Thank you very much for making the presentation.

I don't see the mayor of Caledon. Is there someone from Caledon speaking on her behalf? Perhaps she'll come later.

Mr Colle: Do they still have the snow up there?

The Chair: Yes, perhaps it's the roads. That's right; it's a little icy.

1510

RURAL/METRO ONTARIO

The Chair: Is there someone from Rural/Metro Ontario? We have Bob DeShane, who is the president. Good afternoon, sir.

Mr Bob DeShane: Good afternoon. In the folders that we've provided the committee with, on the left side is our printed presentation.

The Chair: We all have your folder.

Mr DeShane: I will take approximately 10 minutes to go through this.

My name is Bob DeShane. I'm the president and chairman of the board of Rural/Metro Ontario. We are ambulance providers. Rural/Metro Ontario is the province's premier provider of health and safety solutions.

Our new company is the largest provider of ambulance services in Ontario, in the private sector. We're composed of seven long-standing, community-based operators, serving over 500,000 citizens in urban and rural communities in southern Ontario. Our employees, from our front-line

paramedics through our Canadian leadership team, are all committed to providing the highest quality of service in the most cost-effective manner possible. We have a history of involvement and leadership in this industry, both as provincial and national leaders. Based on this, we believe that we have a good sense of the province and the expectations of people with respect to their emergency health services.

The directions being taken by the government with respect to ambulance services in Bill 152 advances the public interest fairly and reasonably and is a policy direction that we can support.

Ambulance service is something which is very important to the people of Ontario. They want to know that the service will be there when they need it. They want to know that the people serving them will meet their expectations for community trust, innovation, responsiveness, leadership and teamwork, resilience and free enterprise. Rural/Metro believes that these public requirements have been acknowledged by the government and form the basis of the amendments being proposed.

When I said before that we believe the legislation is fair, I meant it for a number of reasons. Specifically, we feel the legislation ensures that the level of government closest to the service is responsible for providing it. The legislation provides that a reasonable transition period is being put in place which will allow operators to prove themselves to the new responsible level of government. It encourages the development of greater public-private trust in service provision. It protects incumbent workers. It creates a climate in which the taxpayers can benefit from innovation, economies of scale and increased competitiveness. It creates a climate where industry leaders who are outcome-focused will be allowed to develop and implement innovative concepts and industry best practices. It creates a climate where our businesses are strengthened in a competitive market to deliver quality service levels. It allows progressive providers to offer value-added services where they are needed, without the constraint of bureaucratic micromanagement.

However, there are some aspects of the bill which we believe could be improved. I want to spend a few minutes touching on each one. In our written submission, we have attached some specific changes for consideration, but I will not be specific at this time. Rather, by way of a brief overview, I would like to provide our concept of the improvements we seek.

In training and professionalism, Rural/Metro believes that the standards set by the Canadian Medical Association for accreditation of paramedic training institutions must be adopted as the ministry's approved standard for EMS training in Ontario. Independent programs that meet these CMA accreditation standards for quality will ensure innovative training methodologies and reduce the cost to taxpayers through their own competitive processes. Rural/Metro University is globally regarded as a leader in EMS and fire training, and we would enjoy the opportunity to provide our expertise in Ontario in order to benefit our employees and the communities that we are

privileged to serve. Communications services training by the same recognized program providers will yield benefits derived from the obvious synergy.

We also strongly believe that the government should heed the call of the Ontario Paramedic Association and many others to establish a college of paramedicine to be responsible for the regulation of the profession and the resulting quality improvement that has served the public and practitioners well in all other sectors of health services provision. To its credit, this government has been instrumental in establishing successful self-regulation in health and other sectors in recent years for the protection of the public and improvement of the industry. It's now time to bring this successful concept to the field of paramedicine.

In service provision, we believe that one of the goals of this process is to allow the ambulance industry to continue to provide high-quality service while increasing the value of its range of services within the community through innovation and efficiencies which can be found. However, it seems to us that section 6.3(2) of the proposed legislation runs counter to this objective. Rather, as read, it would require the service provider to provide exactly the same service, under the same conditions, at exactly the same cost. While we agree that there should obviously be minimum service standards established, we believe that flexibility to meet community needs and to allow for value-added innovation should be allowed and encouraged by the legislation.

The ministry should permit and encourage performance-based contracting arrangements to be established during the period prior to January 1, 2000. This policy will benefit taxpayers, patients, municipalities and the provincial government by encouraging the development of performance-based arrangements between ambulance providers and municipal governments. Such a forward-looking approach would ensure the competitive stimulus that would focus all providers on striving to establish industry best practices for the benefit of the public and taxpayers and align the results with the government's intent.

Under funding, we believe there exists some question with respect to the intent of the legislation when it discusses "responsibility for funding." Other ambulance service providers and municipal leaders to whom we have spoken are also uncertain. Our reading of this section indicates to us that municipalities will assume responsibility for funding as of January 1, 1998, and that the ministry will continue to pay the providers and charge those costs back to the municipalities.

Additionally, we would support the concerns raised by the Ontario Ambulance Operators' Association, of which we're a member. Just as the province has historically funded lease obligations and employee liabilities, we assume it is the intent of the government that the same practice will be continued by upper-tier municipalities as they assume the funding responsibility. This should be made clear.

We suggest that the funding mechanism be clarified by expanding on the details concerning the breadth and scope of this phase as it applies to operators and municipalities. Further, it is our desire that the government provide an incentive to encourage municipalities to readily accept the responsibility for directly funding the ambulance services. Direct funding will limit confusion and encourage the early development of partnerships between the municipalities and the providers. Direct funding will also lead to a successful transition and will encourage many improvements in quality of care and value-added services. Our specific proposal for wording on this item is attached to our submission.

Under "Provincial Responsibilities," in section 4 of the act the duties of the Minister of Health are set out. These duties include ensuring the operation and maintenance of communication services used in dispatching ambulances. We know from our company's international experience that the local control of ambulance dispatching is the most important tool that will provide the greatest opportunity to add value to the provision of ambulance services. High-performance ambulance services using innovative, state-of-the-art technologies and methodologies will produce better use of resources and better performance and will save money.

The technology employed in dispatching ambulances, if utilized efficiently and creatively, can also provide the communications backbone for integrating health and other related services within the community, such as nurse triage call centres and other possibilities.

We also know from our talks with municipal leaders that they clearly want and must have greater control over the resources for which they are paying in order to minimize costs and maximize resource utilization, thereby benefiting their taxpayers. Rural/Metro Ontario believes that the old concept of regionalization to minimize costs from a provincial government expense point of view is no longer valid. Ambulance communications services must be rationalized and decentralized, along with the transition of responsibilities for ambulance services. Decentralization of ambulance service dispatching will equip ambulance service providers with the tools necessary to improve cost effectiveness and meet or exceed response time performance criteria established by the province and/or the municipalities and preserve seamlessness.

Decentralization of dispatching will provide the minister with the opportunity to fulfil the responsibility to ensure the operation and maintenance of communications, as set out in section 4; at the same time satisfy the municipalities' need to have local control over resources they're paying for; enable ambulance providers to utilize and deploy their available resources in order to meet the performance expectations under their contracts with the municipalities; ensure that the seamlessness desired by the province is maintained and enhanced through response time criteria and automatic aid provisions within high-performance contracts between providers and municipalities; empower ambulance service providers to offer new value-added services through expanded commun-

ications services; and provide governments at both levels with ready access to information concerning response time performance, service demand, training certifications and any other information required.

We believe that the legislative amendments should address this issue clearly. We are convinced that with the right set of qualifications, the transfer of responsibility for ambulance communications will provide municipalities with the incentive to readily accept the transfer of funding for ambulance services and at the same time provide the vehicle for considerable cost savings and performance improvements. All parties — consumers, taxpayers, provincial and municipal governments, ambulance providers and their employees — will benefit from the opportunities and efficiencies that result. To underline our confidence in the success of such a transition, Rural/Metro Ontario will be pleased to cooperate in the establishment of a test site for such a demonstration project.

On behalf of our company, Rural/Metro Ontario, I would like to thank the committee for the opportunity for this presentation. I would entertain any questions in the available time.

1520

The Chair: I notice you have a summary of your proposed amendments.

Mr DeShane: The suggested legislative amendments, yes.

The Chair: I believe we have time for a question from each caucus.

Mr Marchese: Just a quick question: You are very much supportive of handing over many services to the municipalities — or perhaps you were referring specifically to ambulances. Is that your point?

Mr DeShane: Our area is ambulance provision, and that's what we're interested in here. We believe it would be a beneficial aspect of the transition.

Mr Marchese: I'm particularly very worried about passing many of the soft services down to the municipal taxpayers and tenants, and worried about the inability of the municipalities and the people who would be paying for them to do so, as opposed to funding many of these things — that would include ambulances too — on provincial income taxes. In your opinion, it would be good for property taxpayers and tenants by and large to pay for these services. Is that your belief?

Mr DeShane: As I said in the brief, we believe it's proper to have the responsibility in the closest level of government to the service provider, because every municipality is different and their needs are different.

Mr Marchese: Do you worry about provincial standards in terms of what might happen from one city to the other, one region to the other, as it relates specifically to your field, or are you comfortable —

Mr DeShane: Not at all. I believe it's the intent of the government, and in fact the wording of the amendments says that the same type and level of service would be provided. I believe it's their intent to maintain that as a standard, and we would suggest that it should be a minimum standard.

Mr Hudak: I have a quick question, and I hope to pass to Mr Hastings. Thank you for your amendments. It certainly makes my work easier if we take them into consideration.

Just to clarify, do you think counties are ready to assume responsibilities beginning in 1998 — right now it's just for regions — in terms of working with the ambulance operators? Secondly, what is your recommendation on the ministry services?

Mr DeShane: The first part of the question is, do I believe counties are ready? The legislation anticipates that the minister would approve the transition, so I would expect there would be some qualifications there that a county government would have to meet in order for the minister to approve. I trust the minister.

Mr John Hastings (Etobicoke-Rexdale): Mr DeShane, how would you prevent a college of paramedicine from becoming as bureaucratic as some of the existing colleges in the regulated health professions have become?

Mr DeShane: There are colleges in other provinces. In fact, they are working very closely with the Canadian Medical Association, who are the overseeing body of all medical issues in Canada. The Paramedic Association of Canada has that approval to go so far as being in charge of the curriculum-setting requirements for institutions that teach paramedicine. As far as the college goes, we have the College of Physicians and Surgeons, the College of Nurses, and recently I think we have a college of real estate people, so I can't imagine why a college of paramedics wouldn't be a good thing.

Mr Colle: I notice you have operations in Owen Sound, Port Elgin, Kincardine and so forth. As you get more decentralization and direct control locally, how do you keep a standard that's high? Let's take the three cities of Owen Sound, Port Elgin and Kincardine: What happens there with the standards?

Mr DeShane: In the rest of the civilized world what happens is that communities establish what they feel are reasonable response time criteria on one hand and a clinical performance on the other. There are really only two issues in ambulance service to think about: How fast does the ambulance get there, and how well qualified and trained are the people who arrive in it? That would be a municipal jurisdictional issue, but I believe it's the intent of the province to establish a minimum standard. I believe the standard they have set is what is currently in place, which everybody agrees is a reasonable level of ambulance service.

The Chair: Thank you very much, Mr DeShane, for making your presentation to us.

TOWN OF CALEDON

The Chair: The next presentation is the town of Caledon. We have Mayor Carol Seglins with us. The mayor and I have one thing in common: We represent some of the finest people in the world.

Mrs Carol Seglins: That's true, Mr Tilson. Thank you very much for the opportunity to appear before you this afternoon and to bring to you a perspective of rural GTA, and also to raise some of the unanswered questions for your consideration.

As a general introduction, the objective of Bill 152 was the 100% transfer of responsibilities of social housing, public health, land ambulance and GO Transit, and a transfer of a share of the child care services and responsibility and management of regulatory onsite sewage systems. The goal of that bill was to reallocate responsibilities to improve services, to increase efficiency and eliminate duplication.

Using numbers supplied by the provincial government to date, property taxes in the rural municipalities of the GTA will increase between 7% and 15% next year as a direct result of Bill 152 as it now stands. That increase equates to a tax increase of between \$250 and \$350 per average household, depending upon the location of the property, whether it be in Caledon, Halton Hills, East Gwillimbury, King etc. This is totally unacceptable in communities that are already paying higher taxes and receiving less service.

Premier Harris has said he wants a more accountable government in the province of Ontario. During the last election campaign he made the promise that, "We will sit down with municipalities to discuss ways of reducing government entanglement and bureaucracy, with an eye to eliminating waste and duplication as well as unfair downloading by the province." We feel that meaningful discussion has not taken place.

Rural municipalities agree with simpler, more accountable government. Many of us have been working towards that goal since the early 1990s and our success has been proven through no or minimal tax increases over the past six years. The province's plan produces a complex web of responsibilities that does not add up to good government, nor disentanglement. The provincial government is simply moving responsibilities and services around in a way that won't mean simpler, less costly or more accountable government. What it is doing in some services is creating chaos.

I bring your attention to the last page of the presentation, which is a graph to show you the impact in Caledon of the pooling and downloading of services. I leave it for your time to review, but you will see there that there's a tax increase for communities that are already paying premium rates. That's for less service. Again, now they'll have to pay for a share of someone else's service.

This afternoon I only want to deal with ambulance services. I believe other regional bodies have dealt with some of the other services. I just wanted to look at the impact of ambulance service within our community.

We disagree that downloading from the province will improve service, increase efficiency or disentangle. There has not been sufficient opportunity to participate in the discussions that could help us understand the true costs and how the province expects to achieve the improved service, efficiency and disentanglement for the benefit of

the taxpayer or the recipient of service. It appears that our seamless service is at risk. How is this to be accomplished? Municipal boundaries and hospital catchment areas do not match, in most cases.

With the large number of calls, the mutual aid system, which presently is used in fire service, would be a substantial administrative cost to all municipalities. Who will pay for service? Will a chargeback system will be used? How will the underserved areas, particularly the rural areas, be served and charged? We have no answers to any of those questions.

We disagree that pooling ambulance costs across the GTA will improve service. It will be a disincentive to improving efficiency; it will increase the administrative costs substantially between municipal, provincial and operations; and it will cloud accountability as systems becomes more entangled and complex

January 1, 1998, is a premature transfer date. The cost formula is not known; present budget numbers do not include vehicle costs, cost of insurance and other one-time funding dollars which are not included in present budgets, that is, legal costs, special equipment, repairs, severance packages, uniforms etc. Thus, actual costs for municipalities will be much higher than predicted. We cannot prepare adequately until we know the true bottom line. Will all bulk buying advantages of the province for purchasing of vehicles, insurance and uniforms be lost? Presently, for vehicles alone there's a 50% to 75% discount. Thus, are costs actually going to be reduced?

1530

We cannot support the cost of ambulance services being pooled across GTA. Service levels and response times are far too different. One standard level would increase costs across the GTA substantially. Will all service levels be expected to be increased to the Metro levels, that is, with paramedic levels 1, 2 and 3 being available for all? Will the Metro ambulance deficit have to be shared by all the other regions?

The province is maintaining communications, regulations and standards. Therefore, with the provincial ministry offices still be being open and maintained, what savings will actually be achieved for the province and the taxpayers overall?

Our recommendation would be that the province maintain the ambulance service and collect back from municipalities for services delivered. They could do that using the OPP model, which does provide seamless coverage and one accountable body. If any municipality wants a higher level of service, they can add to that at their own cost. The costs of that service would also reflect the benefit of the buying power across the province.

If the transfer is to continue, though, we would like the opportunity for input into the regulations and standards. There's a need for all the details of costs and chargebacks to be worked out so the actual costs will be known. The province should continue paying for these services, and not transfer the funding on January 1 until the bottom line is clear to all.

We would like to be provided the opportunity for flexibility in service models within regions. Our volunteer service in Caledon provides excellent service and it would be hard to imagine how a private for-profit service would deliver a more cost-effective service.

I thank you for this opportunity. I do have several members of the Bolton ambulance here if you have any technical questions, or I would be happy to try and answer any other questions.

The Chair: Thank you, your worship. Let's see how we do. For the Conservative caucus, Mr Hardeman. We have about three minutes for each caucus.

Mr Hardeman: Thank you, Madam Mayor, for your presentation. I'm somewhat intrigued. Your first recommendation is that the province should maintain the ambulance service as it presently exists and just charge back the cost of that on the OPP model to the municipalities. We've had a lot of presentations from municipalities and AMO and others expressing extreme concern about any function that would have the costs going to municipalities but having absolutely no input into the function of that service, that they would not be able to set up a more effective or cost-effective way of delivering that service. You would be suggesting that your number one option would be to go that route.

Mrs Seglins: That hasn't been our experience in our contract with the OPP locally. We've been able to negotiate with them and to work out something that's been reasonable for our municipality.

Mr Hardeman: The reason I bring that one up is that I find it a very intriguing approach —

Mrs Seglins: I know, say for pay and things like that.

Mr Hardeman: — because it does seem to work in the OPP model. But then you go on in your presentation, "We need all the details of costs and chargebacks so we can actually work out the cost." Would you suggest that if you go with that OPP model, all the information required is the amount that each municipality would have to pay, so the transfer could then take place January 1?

Mrs Seglins: I'm not sure we'd have all those numbers, but if we did we could look at that. Right now we're talking about a \$300,000 budget for Bolton ambulance, for instance, but that doesn't cover the cost of the vehicles; that doesn't cover insurance that has never been part of the budget. There are a lot of one-time costs that are not reflected in those budgets that are being given in the numbers that are being translated to us in your August 6, October 6 — whenever — set of numbers.

Mr Colle: Thank you, Madam Mayor. I guess you're reaffirming what other deputants said earlier, from the region of Peel and the region of Halton, in that there's this problem with standards. As you know, in Metro Toronto we are being expected and have certain levels of standards, like for ambulance. One of the reasons we have certain costs that might be higher than yours, or standards that are higher, is because of such things as densities. Some of our streets are very narrow, they're very complicated and ambulances may take a much greater amount of time to get to a location in Toronto. I don't know if you

have one-way streets, road blockages and traffic calming, but it's difficult, so our costs are higher.

I can tell you that my residents are not satisfied with the level of service they receive right now with the ambulance service. They want to improve it.

Mrs Seglins: They should try our level of service.

Mr Colle: Yes. This is the dilemma we all face, that the people I represent are saying: "No way will we have our services reduced. In fact, we don't want to pay any more." On the other hand, we're now in the same boat. We're in the GTA. You represent the town of Caledon where you're saying, "This isn't going to work." So the question is —

Mrs Seglins: I'm just suggesting to you that if you're going to pool these costs and say that all of us should pay for this, then we should all pay for the same level of service. I would suggest to you that the cost to increase our services to the level that you now enjoy in Metro would be substantial. So you're going to increase costs to the taxpayers, not decrease costs.

Mr Colle: Just to reaffirm to you, that's what I'm saying: How is this ever going to work when in the GTA there are different expectations, different costs?

Mrs Seglins: I agree; it's not going to work. It's the pooling concept that's not going to work.

Mr Marchese: Thank you, Madam Mayor. The difficulty I have with this government is the way it pits one area against the other. Some of us are almost forced to defend our problems here in Metro, and you defend another problem from the GTA, rather than looking at the whole picture. The whole picture for me is that this down-load is a serious problem. It's causing chaos in every way imaginable. Do you agree with that?

Mrs Seglins: I'm not sure it wouldn't be possible, in time. I just think it's premature right now because we haven't looked at all the costs. I'd be quite happy to sit down and talk about the amalgamation of all three emergency services so we had one system that could save dollars, but I think it's premature today. That's what I said in my presentation.

Mr Marchese: I agree. Somebody else said the same thing, by the way, in an earlier presentation with respect to this. I want to add that your presentation is quite clear in terms of the points it makes and the concerns you raise, which hopefully will have some impact on the other members there as well.

If pooling is not the answer in terms of redistributing the problem of expenditures, what do you recommend to this government, that seems inclined to proceed with this bill? What do you do?

Mrs Seglins: We did look at some transition funding for the new city, and it is possible for the transition funding to accommodate the additional costs of social services within the core area, would be one of the ways. I understand there are going to be savings from the whole megacity. If that's the case, that will replace the transition funding and everyone will be winners in that case.

Mr Marchese: There will be no savings, Madam Mayor, I can guarantee you, but I'll leave it to the Tories to ask some questions.

The Chair: They've had their chance, Mr Marchese. Do you want another question?

Mr Marchese: Oh, did they? God bless them. Thank you, Madam Mayor.

The Chair: Thank you very much, your worship.

Mr Colle: By the way, before you leave, I just want to ask — I know you have the beautiful area of Caledon and the Caledon Hills. Could you explain your logo? I think it says, "Industry, agriculture" —

Mrs Seglins: "Farms and residential," homes.

Mr Colle: They're sort of half the globe? Is that right?

Mrs Seglins: Yes.

Mr Colle: Thank you very much. A little promotion for Caledon.

The Chair: Thanks for the plug, Mr Colle. It's a wonderful place.

Mr Marchese: You told us already.

1540

CANADIAN UNION OF PUBLIC EMPLOYEES

The Chair: The next presenter is CUPE national, Joe Matasic and Mike Dick. Good afternoon, gentlemen.

Mr Joe Matasic: My name is Joe Matasic. To my left is Mr Mike Dick, an ambulance worker from Ajax-Pickering. We'd like to make a submission on behalf of CUPE's ambulance workers.

The Canadian Union of Public Employees represents over 1,000 ambulance workers in the province. Our members work for services which are managed by municipalities, hospitals and private operators. We are deeply concerned that Bill 152 will lead to a deterioration of service and the abandonment of the principle of universal access to high-quality health care. We ask you to give serious consideration to our concerns.

Bill 152 changes how ambulance services are funded in the province. It is our submission that this change itself will fundamentally alter the very nature of ambulance emergency care in the province. It is provincial funding, not legislation or regulation, that ensures high standards, universal access and efficiency of operations. Provincial funding is the glue that holds the system together. By abandoning its funding responsibilities, the government will most certainly ensure the deterioration of service and a greater expense to the taxpayer.

Prior to the 1970s, ambulance training, equipment and operational standards varied greatly from community to community. For the most part, standards ranged from non-existent to poor. It was the introduction of provincial funding in the mid-1960s that led to the development of the universally high-quality system that we can all count on today, a system that Health Minister Jim Wilson stated as recently as April of this year, "has the highest standards in the country." However, these standards can

only be achieved through direct funding. There is a lot of truth to the old adage, "He who pays the piper calls the tune." Without control of funding, the highest regulatory standards will make little or no difference.

Ambulance operators are funded on a line budget and cost recovery basis. Presently, there are no incentives to cut corners or compromise levels of service. On the contrary, the province is able to hold each operator accountable for every aspect of their day-to-day operation. The province ensures high standards in areas such as training, vehicle maintenance and supplies and equipment. Bill 152 will erode provincial standards for ambulance emergency care.

Efficiencies in the system are realized through the establishment of common standards and bulk purchasing. Vehicles and major equipment are purchased by the ministry and distributed to the operators. Under Bill 152, these economies of scale would be lost. Municipally controlled ambulance services would be forced to purchase vehicles, equipment and supplies individually. This will increase costs and create incentives for operators to reduce standards.

The current system also allows the province to establish and implement training standards and quality assurance programs. Because of this, over 90% of the province now enjoys some level of paramedical ambulance service. Paramedics are able to provide advanced emergency medical care such as defibrillation, drug therapy and airway management. Training and upgrading standards are established by the province, and compliance is enforced through funding control. Under the current system, an operator cannot skimp on training or divert the money towards profits. Under Bill 152, training will be compromised and our paramedic program will be put in jeopardy.

Because the system is provincially funded, ambulance units are currently located throughout the province based on need. Ambulance coverage is not determined by arbitrary municipal boundaries. The province, through the use of provincial data collection, is able to determine the emergency needs of various communities and ambulance base locations are determined based on this data. Ambulance units regularly provide coverage outside of their own service areas, and for emergencies the closest ambulance is always dispatched.

Under Bill 152, municipalities may locate ambulances in a way that serves their own communities only. It is unlikely that a municipality which is paying for an ambulance service will locate ambulances in a way which would provide coverage in another municipality. In fact, it is doubtful that municipalities will give much consideration at all to service needs outside their own jurisdiction. This may lead to inefficiencies and deterioration of service. Under Bill 152, we will return to an inefficient patchwork of individual ambulance services doing their own thing.

Ambulance services provide essential medical care to the citizens of this province and are a vital part of the overall medical system. However, under Bill 152, com-

munities will only get the quality of ambulance service they can afford. Municipalities are already under severe financial strain, and many will be forced to compromise or simply will not be able to afford proper ambulance coverage. We believe every citizen of this province is entitled to equal access to medical care without regard to the wealth of a particular community. Service levels should depend on the needs of a community, not on the wealth of a community. This government came into power promising to preserve equal access to health care, not destroy it. Bill 152 will take us one large step towards destroying equal access to high-quality health care.

Bill 152 makes the privatization of ambulance services in Ontario all but inevitable. Ambulance services, unlike commercial services, cannot properly operate in a competitive environment. Effective competition requires real and informed choice. A person requiring the services of an ambulance cannot shop around. This applies to municipalities who contract for ambulance services as well. A municipality may eventually discover that a private contractor is providing inadequate or substandard coverage. However, by then countless people would have been put at risk. Yet under Bill 152, cash-strapped municipalities who have no experience operating ambulance services will look to such short-term solutions.

Contractors, unlike current operators, will have strong incentives under Bill 152 to cut corners and reduce costs, both to win contracts and to maximize profits. This is exactly what happened prior to the development of the current provincially funded system. The incentive to take risks with the safety of the public is just too great for a for-profit company.

Things such as delaying vehicle maintenance, purchasing fewer and cheaper supplies and reducing training and staffing expenses may all be good for the bottom line, but they are dangerous to the public. The danger, however, is subtle and may not be readily apparent to the public or a municipal customer. There is the fundamental contradiction between the provision of high-quality emergency services and profit maximization for private companies. This is precisely the reason that the current provincially funded system was put in place.

What will happen to ambulance workers if municipalities contract out for services? Ambulance workers are highly trained, dedicated professionals, many of whom have years of committed service to their communities. They are also an integral part of both their local medical and emergency service communities, with established professional relationships. Yet their livelihood could be threatened every several years if a municipality decides to contract for ambulance services, and a community could be left with completely inexperienced staff. This is both mean-spirited and unfair, and raises the question, who would want to work under these conditions?

Bill 152 is an open-door invitation to American-style for-profit ambulance services. In fact, large corporations have already been positioning themselves to take advantage of this potentially lucrative market. In February of this year, for instance, Rural/Metro — who you met

this afternoon — a multimillion-dollar company based in Scottsdale, Arizona, purchased seven locally operated ambulance services. Warren Rustand, chair and chief executive officer of this American company, was quoted as saying, "The Ontario government has demonstrated progress in moving public policy towards alternative delivery systems for a variety of services, including emergency medical transportation." We believe that most people in Ontario do not want American-style health services, yet that is exactly what Bill 152 will promote.

The Premier and several ministers have stated that Bill 152 will allow municipalities to better integrate ambulance services with other emergency services. This, however, is naïve and ill thought out. Ambulance emergency services are unique in that they are part of both the medical and emergency service systems. Integration of existing ambulance services with, for example, fire departments, has been tried without success in other jurisdictions, both in Canada and the United States. As recently as this year, the city of Edmonton reorganized its fire and ambulance services into separate organizations after a failed attempt to integrate the two services. Integration has proved time and again to be bad for patients, taxpayers and staff.

To conclude our comments, it is our submission that Bill 152 is bad policy. It makes no sense to take an ambulance system that even by the government's own admission operates to the highest standards in the country, and alter it so fundamentally with so little thought. It flies in the face of the advice of the government's own Who Does What panel, chaired by David Crombie, which said, "The province should continue to fund and control ambulance service province-wide."

We now have a system which is efficient, accessible and effective. Bill 152 will dismantle this system and replace it with one that is proven to fail, all this at a time when the government is closing hospitals, rationalizing medical services and moving towards home-based care — in short, undermining ambulance services in this province at a time when we need them the most.

The Vice-Chair (Mrs Julia Munro): Thank you very much. We have time for each caucus.

1550

Mr Colle: Thank you very much for your thoughtful presentation. I was very interested in your comments about Edmonton, which tried to combine. Do you know how many years they had that reorganization, where they combined ambulance and fire?

Mr Matasic: I believe the process began about four or five years ago and reached its conclusion approximately two to three years ago. I'm not exactly sure when this year they decided they were having some serious problems and commissioned an independent review. The independent review, after extensive study, recommended that the two services be separated again.

Mr Colle: The point you made at the beginning was a question I asked earlier about the concern about how you keep the high level of standards across Ontario when you've got all these individual, self-contained service

delivery units. I know the answer was, "The province has standards, so therefore you don't have to worry about the patchwork of levels of service." Do you want to explain why you think the standards still aren't going to afford that high level of service across municipalities?

Mr Matasic: We believe the standards absolutely will not work. The reason we believe they won't work is that standards require enforcement. You simply can't be there every hour of every day. The fundamental difference between having standards and having funding control is that the government is able to monitor and control absolutely every aspect of the operation of an ambulance service now. It is so tightly controlled now that an operator must spend the amount of money that's allocated for training, must ensure that vehicles are maintained properly, must ensure that the equipment in their vehicles is up to standard and the government is able, essentially, to monitor this on a day-to-day basis.

Mr Marchese: Thank you for the presentation. I agree with the assessment of problems of standards. If you just talk about minimum standards, what does that mean, first of all, and is it a downward harmonization of standards or upward, those kinds of questions. More importantly, enforcement is really key to standards. I don't see this government as keen on enforcement, in almost every sector.

I'm assuming you're agreeing with the mayor of the town of Caledon who spoke previously, the concerns she raised about the transfer being premature, we don't know what the costs are, present budget numbers don't include vehicle costs, costs of insurance and all that other stuff, including the bulk advantages if the province were purchasing vehicles, insurance, uniforms, that might be lost. I'm assuming you agree with all those questions.

Mr Matasic: Absolutely.

Mr Marchese: She talked about the province maintaining the ambulance service and collecting back from the municipality for services delivered — using the OPP model, seamless coverage, one accountable body. I'm assuming you agree with that too, right?

Mr Matasic: Yes, we think that would make much more sense.

Mr Hardeman: Thank you very much for your presentation. I'm somewhat intrigued by the position of CUPE representing the workers who work for municipalities, the workers who work for the private sector ambulance people and those who work for the government of Ontario. I think you represent those too.

Mr Matasic: Yes, we do.

Mr Hardeman: I'm a little concerned that you would feel that municipalities, who some of your people work for, would not be as responsible in the best interests of the people they represent as the province would be. You said there was some problem with the closeness or the ability of municipalities to monitor the quality of the service, and that it would be more difficult than the province monitoring the quality of service. I'm a little concerned to think that you would imply that somebody from Queen's Park can do a better job monitoring the function of the

ambulance service in Woodstock than somebody in Woodstock.

Mr Matasic: We don't have any problem or any difficulty with municipalities running services. The problems or concerns that we're bringing to you relate to funding. The problem with funding as it relates to municipalities is that municipalities are already cash-strapped. Some municipalities are wealthier than others. What would you say to municipalities in the north, who don't have a wide tax base, who will have this burden now put on their operating budgets and who are scrambling and making every effort to try to meet their budgets?

The Vice-Chair: Thank you very much, Mr Hardeman. We've run out of time.

I appreciate your coming here today. Thank you very much, gentlemen.

ONTARIO NON-PROFIT HOUSING ASSOCIATION

The Vice-Chair: I'd like to call upon Diane Saibil, the manager of public affairs of the Ontario Non-Profit Housing Association. Good afternoon, Ms Saibil, and welcome to the standing committee. Please begin.

Ms Diane Saibil: Thank you very much. As I am representing the Ontario Non-Profit Housing Association, although the bill under review here today deals with a variety of social services, I will address only our concerns with regard to the social housing aspects of the bill.

When the government first announced its intention to devolve responsibility for the funding of social housing programs to the municipal level last January, our association, which represents over 650 non-profit housing providers all across the province, took the position that this was an inappropriate shift in responsibilities. We took this position, and we haven't changed our minds about it, because we feel strongly that income redistribution programs, including social housing, should not be paid for out of the property tax base. We feel that way for a number of reasons. There are a number of practical problems which arise from any attempt to shift social housing funding responsibility to municipal government.

First and foremost, social housing units are not evenly distributed across the province. They tend to be concentrated in the large urban areas and in the inner cities. There's no match between the way units of social housing are distributed across the province and therefore the cost of funding those units, and the distribution of the property tax base, which will now be called upon to fund the units. So you have a mismatch there, and that's a problem. In fact, the government itself has recognized this problem to some extent, particularly in the greater Toronto area, and has suggested that the costs be pooled. They've acknowledged that there is a problem there and they've addressed it in one particular part of the province.

The problem is that the pooling, while it does resolve the worst of the financial problems created by the funding devolution, creates another whole set of problems. These relate to the establishment of appropriate accountability

mechanisms, because then you end up with a mismatch between the accountability and administrative responsibility and the funding responsibility.

Our second concern has to do precisely with the devolution of the administrative responsibility which will follow on the heels of the devolution of the funding responsibility. Our members are very concerned that municipal administration of social housing programs could well lead to an unevenness in delivery standards across the province. This is not unlike the arguments you were hearing just a moment ago about ambulance services. We feel that province-wide standards for social housing delivery are absolutely essential, and we don't want to see these eroded.

Another concern we have is that the cost of the rent-geared-to-income component of social housing subsidies, which is roughly speaking 50% of the total subsidy to social housing, is not a fixed cost. It's not entirely predictable in any given year. It is particularly subject to fluctuations in the economy. On a province-wide basis this may not be a very significant problem. When you come down to the local level and when you put the responsibility for funding at the local level, it could be a serious problem. If you have a situation where you have a one-industry town and an employer shuts down, moves away, whatever, you could have a significant increase in your rent-geared-to-income costs. Municipalities don't have the financial flexibility to handle such shifts and they can't deficit-budget to handle an unexpected situation such as that.

Another area of concern with respect to the proposed funding devolution relates to the calculation of the amount of money involved here, the amounts that are being transferred. We know that the government has told us repeatedly that all these shifts and transfers of responsibility are revenue-neutral, but I guess in the case of social housing we're just not sure that this is the case. The total cost across the province for social housing, the provincial contribution to social housing, has been estimated at \$905 million.

1600

We don't feel we have yet been given enough information to assess whether this is really an accurate figure. What we do know is that we're getting calls on a regular basis from members all over the province who are saying: "We've now seen the numbers for our locality, and the total number of units and the total number of dollars just aren't accurate. There are mistakes in this. We know because we can sit in our town and count up how many units there are and it's not right."

People are concerned, and I think there has to be yet some more work done on those numbers so that both the providers and the municipalities can have some assurance that the numbers are right. The municipalities have to know that they are going to have enough tax room to cover the cost of the social housing programs, and the housing providers also have to know that because they're concerned that there won't be enough money.

With regard to the way the numbers have been calculated, we are also aware that there are approximately 16,000 units of supportive housing which are now funded by the provincial government and their fate has not yet been decided. There's still some discussion going on about whether those units will be devolved to municipal government or simply transferred to another ministry. So it's not clear to us how the dollar figures can be calculated now until some decisions are made about what is going to happen to those units.

Another point of concern in this figure of \$905 million is that we've been told that includes \$42 million for capital replacement reserve allocations for the non-profit and cooperative housing stock. The adequate funding of those annual reserves, the capital reserves, is absolutely essential for property management of the housing. Nobody disputes that. The buildings will deteriorate. They need capital replacement. The \$42 million that has been included in that \$905 million translates into roughly 420 per unit per year. We would like some more assurance, and we believe the municipalities would as well, that that number is based on some very real study of the current condition of the stock and what is really needed. We're very concerned that number is not a real number, that it's too low, and that's going to cause serious problems for the long-term maintenance of the social housing stock.

The last element to do with the cost is that nobody has told us yet how the program administration costs are going to be covered, because we do know that those are not covered in the \$905 million; so the whole question of whether this is really revenue-neutral and whether there is enough tax room, and our concern is, is there really enough tax room to adequately fund the social housing that is in existence?

Everything I've talked about so far is about our concern about transferring the funding responsibility. In fact the Minister of Municipal Affairs and Housing, Mr Leach, himself has acknowledged that funding and income redistribution programs, such as social housing out of the property tax base, are inappropriate. The government has reasons why they are doing that right now, but he shares our view. He has stated that publicly.

An additional concern we have is that any new social housing supply initiatives will require the involvement of a senior level of government, and that once the social housing responsibility has been devolved to the municipal level, there will be very few opportunities to address the pressing need for additional social housing units. Right now we're focused completely on preserving the stock we actually have, but that doesn't change the fact that there are still very long waiting lists out there and they're getting longer, not shorter. Those are our feelings about the bill to transfer the funding.

If the government, having listened to all of our concerns, still decides to proceed with this course, we would at the very least strongly urge that the timing of the devolution of the funding responsibility be reconsidered. The government's plan calls for the transfer of funding responsibility to be followed in due course by the transfer

of administrative responsibility. The extreme complexity of transferring responsibility for administering the myriad of social housing programs we currently have has been acknowledged by all parties involved in any discussion, and the government has said that the second step, the transfer of administrative responsibility, could take two to three years to complete.

In fact both the government and the housing providers have agreed that it is essential that the delivery system and funding mechanism for social housing programs be substantially reformed before the devolution of administrative responsibility. If this legislation is passed as it is written right now, as of January 1 municipalities will be faced with paying a large bill for a program over which they have no control. Municipalities have stated clearly that they find this untenable. If they are going to pay the bill, understandably they want to run the program, but the program needs reform, and that reform can't happen overnight and it certainly can't happen by January 1.

The other element here is that last June the government took what we thought was a very wise and careful step: They struck the Advisory Council on Social Housing Reform. That council worked very hard all summer and produced a very credible set of recommendations which Minister Leach endorsed on behalf of the government last Monday. The recommendations we believe are really a solid step in the right direction but they need further study. They need feasibility testing. They need to have all of the implementation details worked out.

To get this right, and we all have an interest in getting this right, the reform process needs time to be thought through and carefully implemented. The advisory council put in a lot of work. They've set us going in the right direction. We don't want to waste all that work. We want the government to take the time to get it right. We don't want to hold it up. We're not trying to make things go any slower than they need to go, but we want to take the time to get it right and we think that's in everybody's interest.

So we have a problem here. We understand that municipalities will, if the bill is passed as is, begin clamouring on January 2 to speed up the reform process so they can take charge sooner rather than later. We feel that this time pressure is going to put the municipalities on a collision course with the implementation of good, well-thought-out reforms which could go a long way towards protecting the ability of non-profit housing providers to continue to do their job of housing those in need. This particular timing problem could easily be solved if this bill were at the very least amended to extend the date at which this funding transfer is to occur.

The Chair: Thank you very much, Ms Saibil. We have time for questions from one caucus.

Mr Hardeman: Thank you very much for your presentation, a very thorough review of the situation. I guess I would first of all agree with you as to the amount of work that is required to devolve the actual operation of the housing portfolio to the municipal sector. But recognizing the transfer of responsibilities, the realignment of services between the province and municipalities, and the fact that

half the education cost will come off the property tax January 1 — and of course that needs realigning with other costs, part of which are the costs of social housing, also recognizing that we've had presentations here from the municipal sector, including AMO, that they have grave concerns about paying for a service they have no control over — do you not feel that rather than realigning the responsibilities immediately and doing it improperly, it would be more advisable to resist the pressures of doing it quickly, leaving the funding to start January 1 but then taking sufficient time to realign the services properly? Would that not serve the social housing needs in a practical way?

Ms Saibil: Of course we think the time pressure should be resisted, but we're concerned that it will become more and more difficult to resist that pressure. So we feel it would make the whole process go more smoothly if we simply aligned the funding transfer.

Mr Hardeman: My concern is that if one takes the other approach and says, "We will defer any of it, we will defer the financial part of it too," the pressure to get it done more quickly is increased because then obviously the transition of the money needs to take place. So we have to get it done in six months or a year, where in this method it will allow sufficient time to do the devolution in a proper manner.

Ms Saibil: Do you believe you're going to be able to hold the municipalities off for two years in terms of taking on the administration while they're paying the bills?

Mr Hardeman: I believe it's appropriate that both the municipalities and the province would want to make sure it was done in a proper fashion. I think some of the concerns you expressed in your presentation will also arise when municipalities look at the housing portfolio. Those questions need to be answered before they want service too, so I think both levels of government will have a great interest in doing it properly. I would suggest that the approach in the bill is better than waiting with the whole thing and trying to rush it through in six months and do the devolution at the same time.

Ms Saibil: We certainly don't want anything rushed through, but I guess we would prefer that everything got deferred rather than just part of it.

The Chair: Ms Saibil, you have the last word. We thank you very much. We've run out of time.

1610

JOHN SEWELL

The Chair: The next presenter is John Sewell.

Mr John Sewell: Thank you very much, Mr Chairman. Let me start by saying that I know how proud you and the other government members of this committee must be of this piece of legislation. I don't think we've ever seen a piece of legislation like this before, so I guess you can take credit for that. I thought there were four or five really remarkable things about it. The title is quite astounding: "...to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating

Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's 'Who Does What' Agenda." It doesn't do any of those things but it's a stunning title, and then to put such a vast number of items that are unrelated into one bill: What a brilliant idea, so that in fact you have a whole bunch of different things that people have to talk about. That's a remarkable achievement.

Or to do it at the speed with which you're doing it by having only a few days of hearings and, as Mr Hardeman says, pushing it through because you don't have any time. That's remarkable too. You must be proud. Or the duplicity about it. That's really remarkable, the fact that the minister can come in and say one thing and have the legislation say something exactly different, just a straightforward lie. It's amazing, and of course the revolutionary content: It really is remarkable that you could bring in a legislation with all those things. I think it's a first for Ontario. I think it really is extraordinary. You've created a first for Ontario. I just wanted to comment very briefly on the six different sections of it, because they're all remarkable as well.

First the one about ambulances: Whoever would have thought that this government would bring in legislation saying they were going to expropriate businesses and not compensate them, as you do in section 6.4(9)? Whoever would have thought of this attack on the petite bourgeoisie? Lenin would be proud. That's the kind of thing he did. He would be delighted to see that is what you're doing here. It's remarkable.

Or, in terms of public health, to actually put people's health at risk, as the Ontario Medical Association has said you're doing, to actually say: "We're going to do it. Let's not stop. We've got to do it." That's what they've suggested, that you're putting people's health at risk. I think it's a fine revolutionary trick, but there's a secret: Make sure your health personally isn't affected. It's a bit difficult to do when you're dealing with stuff like water poisoning or infectious diseases. It's the OMA, not me, that says that's what you're doing. It's remarkable that you'd want to do it. Or to actually pollute wells and lakes through faulty septic systems by downloading that responsibility; it's remarkable. Who would ever have thought you'd do it? It's remarkable.

You could see it in the election literature: "We're going to download septic so that we can pollute wells. At least the people who deal with them think we're going to do it." It's remarkable. You must be proud of it.

You must be proud of killing GO Transit: Deny it money. Lie about it.

The minister says, "Hey, we're downloading the operating costs of \$120 million." The legislation says you're downloading operating and capital costs. That's \$208 million — a straightforward lie by the minister. The legislation says something entirely different. I phoned up the staff person about this. They said, "Oh, it's a drafting error." A drafting error. We'll see if you catch it. I don't think you will.

About affordable housing: "Let's kill that off too. You know, poor people — don't like them. Let's starve it for money. Let's make sure the poor people are really badly off." It's a terrific idea. Lenin would not have liked that. He would have wondered what you were doing, but it is the boldness of your attack on the poorest members of society. It's amazing, it's breathtaking, and of course you'd have to go after kids: "We don't care much about kids. Let's get those day care centres. Let's make sure we close as many as we can." That's what you're doing.

I think it's remarkable that you've been able to include so much harm in one bill. I really think it is breathtaking. Julia, you must be proud of this. This is something you can brag about to your friends, that you were part of this kind of action. Tim, I think you can say, "Yup, I helped to kill child care in Ontario." You can say that and you can stand up and be really proud. People will pat you on the back and say, "Good, we didn't like those kids anyway." John, I think you can say, "I helped spread disease in Ontario." David, I think you can say, "I helped drive those ambulance companies into bankruptcy. Yup, I was the vote that did that." It's really extraordinary that anybody would be doing this in one piece of legislation.

The problem is, of course, that it's part of a consistent process. I thought your leader defined it fairly well, at least as quoted in the *Globe and Mail* in London on Monday. I'm sure that's where the fervour comes from. He said, "We have taken a path that few were willing to follow" — I agree on that — "because we listened to the real views of people right across the province." That's right. People across the province said: "Expropriate those ambulance companies. Wreck that water supply. Get those kids." Let's face it, you've heard them say that all the time, right? You got elected by saying that's what you would do. Then the Premier went on to say, "Together we had the courage to offer solutions to the old problems in revolutionary new ways." They certainly are revolutionary, really tough stuff. In the last point he made he said, "Following traditional methods, we could not have won," and he was referring to the election. It's true. If you had ever said you were going to do this after the election, would people have voted for you? Nope. You had to keep all that back.

I think the other problem — of course this is part of a process. It's not as though this bill is any different from the others. This is what you're doing to all the bills. You make sure there are no serious public hearings. You don't listen to anything the public has to say. You don't make any amendments on the basis of anything the public has to say. We know that. That's the experience. You centralize power. You don't have any studies about what you're doing. You don't know what you're doing. Someone else has told you what to do. You people don't have any input into this legislation. It's part of a consistent process, this bill, and that's why it doesn't do much good to talk about the detail of it, because you guys have no control and will not make one amendment to the legislation. Not one of you will make an independent amendment to this legislation.

I'll bet my bottom dollar. Instructions are coming from somewhere else.

What I was wondering about was, what do you guys want personally? Why are you doing this to the people of Ontario? What personally is in it for you? You could say: "Hey, we're just following orders. Our leader, Comrade Mike, told us to do this and we can't do anything about it. We just have to follow orders." I don't believe you'd ever say that. That looks bad in your résumé. When you come to the last few moments of your life, will you be saved by this perversity? Will this make your lives and the lives of others better in the eyes your family? I suspect not.

But then I thought, are you unloved? Is that the problem? Are you looking for love? Is that why you've created this havoc, to try and get some attention, saying, "Please love me"? Do you want public affection? Is that what you want, and you want to attract attention? Do you want public respect? When you go out of here, do you hide so people won't know what you're doing or do you say to them: "Today we got GO Transit, hahaha. Those non-profit-takers, we got them, hahaha. Those little kids — didn't care about them, no"? Is that what you do?

Can you believe that anybody except Mike Harris thinks this is what governing Ontario should be all about? I just have one last question: So why have you made such a bad turn? What happened to you? What's that? I didn't hear you.

The Chair: Are you finished, Mr Sewell?

Mr Sewell: Yes. I asked a question.

The Chair: It doesn't appear that there's going to be an answer forthcoming, so if you wish to proceed, please do.

Mr Sewell: I've asked my last question.

The Chair: Thank you. Are there questions from anyone? No? Thank you very much, Mr Sewell, for coming.

1620

ONTARIO BUILDING OFFICIALS ASSOCIATION

The Chair: The next delegation is the Ontario Building Officials Association, Brian Horsman, president. Good afternoon, sir. You have a whole pile of people and you'll have to introduce them all to us. We have your written presentation, so if you could identify your delegation.

Mr Brian Horsman: Thank you, Mr Chairman. My name is Brian Horsman and I'm the president of the Ontario Building Officials Association. With me today we have the executive of the association: Mr Ron Kolbe, who is the vice-president; Lynn Balfour, who is the secretary-treasurer; and Tracey Preston, who is the executive director. Time is of essence and it's late, so I will not read from the text of my presentation except to give you an overview of who we are and what we do. When we get to page 3, our observations and recommendations, I will read from the text.

We are the Ontario Building Officials Association. We are a professional association and a registered training

institute. We represent some 2,300 members across the province. We also represent approximately 700 municipalities. We have a chapter network throughout the province of 23. We communicate with our chapters on a regular basis through training. I've also included with the presentation today a copy of our Journal, which is a communication tool we use to speak to the officials and our members across the province.

In the text of the presentation are items dealing with our resources, the training we provide, and I think an important note here is that OBOA markets and delivers the building code training program, on behalf of the Ministry of Municipal Affairs and Housing, to all interested members of the building community. Through Bill Pr40 in 1992 we received approval and right to title. Since then we've had a certification program. There are two classes. One is CBCO, certified building code official, which refers to the government members or building officials who work for the municipalities. We also have another designation, BCQ, which is building code qualified, that is given to the private sector of the building industry who are not building officials but work in the building industry.

On page 3 we get to the meat of why we're here.

OBOA has been a strong proponent of one-window service and supports the transfer of approving authority into the Building Code Act. This is from the EPA of the Ministry of Environment.

OBOA firmly believes that all enforcement issues in the Building Code Act shall be the responsibility of the chief building official. The Building Code Act is a unique and rare document because, unlike other acts and regulations, we as chief building officials are compelled to be cognizant of all applicable laws in order to issue a building permit. We have endeavoured to provide one-window service within our limitations by providing basic information to our customers to secure other approvals. When new requirements are transferred to the Building Code Act without designating the chief building official as the responsible agent, or another chief building official is permitted to be designated for a specific regulation, you create potential for conflict and jeopardize the ability to deliver consistent service, enforcement and interpretation of building codes.

OBOA supports mandatory certification that is being proposed for any person engaged in the enforcement of building code regulations, therefore we are in support of the mandatory certification of inspectors and installers of on-site sewage systems.

OBOA views mandatory certification for on-site sewage system inspections as the first in a series of mandatory certification requirements for enforcement of the entire Building Code. On-site sewage systems are not more important than other life safety, fire-protection and public health issues found in the building code.

All building officials in this province see the certified building code official, or CBCO, designation and the building code qualified, BCQ, designation as the only vehicles to complement mandatory certification. The

OBOA holds the highest and most comprehensive certification programs in the Canada, therefore OBOA would be the logical choice to administer and deliver the proposed mandatory certification program.

OBOA is concerned about training issues related to certification. We are prepared to administer and deliver training similar to the format used in the 1993 delivery of the ASHRAE 90.1 energy standard as mandated in the 1993 version of the Ontario building code. OBOA facilitated the delivery of training to more than 600 members over a three-month period all over Ontario through our chapter delivery network.

OBOA is aware that the training for mandatory certification is being developed and has a target date of January 1998, and also that the Building Code Act is to be proclaimed in March 1998. We are also aware of the need to deliver training efficiently and effectively over the greater part of the province for the initial front-line group of people who will be responsible for enforcement. OBOA proposes to deliver the training which is being mandated, with the cost being divided by 75% to the Ministry of Municipal Affairs and Housing and 25% to the municipalities. The delivery vehicle would be the OBOA chapter delivery network.

In addition to the initial training, OBOA recommends that existing on-site sewage system inspectors and installers be grandfathered for an 18-month period in order to complement the training and transition of approvals. Within the 18-month period, those grandfathered must achieve the requirements for certification of on-site sewage systems.

That concludes my presentation.

Mr Colle: Thank you very much for coming. I guess in a nutshell what you're asking for is that OBOA be the official body that certifies inspectors?

Mr Horsman: That's one of the issues. That's correct.

Mr Colle: Could you explain just briefly why it is important that it be done by your body, your association?

Mr Horsman: We are the only association right now that has the certification program for building officials that deals with issues in the building code. We have created a system that not only represents the public sector but the private sector. I couldn't imagine the government wanting to spend money to reinvent a wheel that's already there.

Mr Colle: So you already have the processes in place where you can do this.

Mr Horsman: We have the training facilities, the training network, we have the certification program and the ability to administer it. Currently we administer all the training programs for the Ministry of Municipal Affairs and Housing as it is, so it just seems to be a logical fit.

Mr Marchese: A few questions. You talk about the fact that you are concerned about training issues. You give me the impression that there are problems within the bill with respect to training, and because of that you are there to provide it. Is one of the concerns you have about training, that it's not going to be there? Is it a problem for you somehow?

Mr Horsman: No, we believe it's going to be there, but it's a question of timing. The RFP for training has just concluded. I believe the consultant has been selected. There are occupational and task analyses to be done, there is training to be developed, there are facilitators to be trained.

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Mr Marchese: You're quite happy with this bill, in other words, at least with component that concerns you.

Mr Horsman: On the training aspect of it there are a couple of issues. If we're talking about the transfer of approval authority into the act, no. We're not really happy with it. We're happy that it's happening. We feel that the government is moving in the right direction, but it's not going far enough. It's sort of a David Copperfield show: Now you see it, now you don't. The approval is going into the Building Code Act, where it should be. All applicable laws dealing with property should be in the Building Code Act.

Mr Marchese: Are you aware of any other organization that might be concerned about that?

Mr Horsman: Any organization that will be retained to enforce inspection services or installation services will have a concern. The concern is not that the training will not be developed, but how it's going to be developed and who will take care of it in the short period of time.

Mr Marchese: I was just thinking that the Ontario Plumbing Inspectors Association obviously has a problem with that, right?

Mr Horsman: They are members of the Ontario Building Officials Association.

Mr Marchese: Are you aware of any other group that might have concerns about this particular bill or this aspect of septic systems and inspections?

Mr Horsman: The other people who would have a vested interest of the stakeholders would be conservation authorities, health units. That's one concern we have. There's a provision for northern Ontario — I'm not really sure what that means; I guess anything north of Barrie — that they will assign responsibilities to a conservation authority or a health unit or a public agency. If the idea was to improve the services and create a one-window service, you haven't done that. You've simply moved it from the Ministry of Environment to another agency.

Mr Hardeman: Thank you for your presentation. I just wanted to quickly go to the issue of the designation of the chief building official and the responsibility of the inspections as opposed to the act allowing others to be appointed to do that. Your concern is that we have too many people doing different things?

Mr Horsman: That's correct. You're creating a conflict. As the Building Code Act reads now, the municipality is responsible for the enforcement, and it is done through the chief building official, who has specific duties and obligations and rights. The moment you transfer another regulation into that act and do not place it under the jurisdiction of the chief building official, by outsourcing some of the inspection services, in essence the council appoints that agency or board to function as the

chief building official, and now you've got two bosses trying to regulate the same building equipment.

Mr Hardeman: One concern expressed by one of the presenters this morning was that starting January or whatever date one would transfer the function, the chief building official would not be in a position to be qualified to do the job, and how would one deal with that time frame between the training program being completed and the function being transferred? To me the logical option would be that the people presently doing it could carry on doing it under contract or be appointed by the municipality to do it. If it was included in the act, it had to be the chief building official. Would that, in your opinion, prohibit the municipality from authorizing the board of health to continue those inspections until the training was completed?

Mr Horsman: No. If you look at the Ontario Water Resources Act, which was transferred into the Building Code Act as well not too long ago, the provision is there to allow council to outsource the work. In this particular case it is being proposed that they will simply name or appoint the existing public agencies that are doing the work without any choice to the municipality.

Your question about the qualification of the chief building official — what is the qualification to inspect septic? There is no certification program.

The Chair: Thank you. Mrs Munro.

Mrs Munro: I have a quick question that I think goes back to the issues Mr Marchese and Mr Hardeman raised. We have heard, obviously, other people express a different opinion. The sort of thing that has been raised as a concern is for instance that sewage and septic systems cross lot lines of an individual's property. Therefore, that gives rise to the notion that it should be somebody else besides those charged with the responsibility of the enforcement of the building code. I just wondered how you respond to that kind of concern.

Mr Horsman: I'm not sure I understand the question of a septic system crossing a property line. They're usually located within the property.

Mrs Munro: The effect of a faulty — it could cross over and therefore it more properly belongs to a different agency to respond.

Mr Horsman: I'm not sure I get the drift of your question other than the fact that onsite sewage systems are no different from dealing with plumbing issues on a site. All permits, all approvals of anything that happens on a property should be one window of opportunity. If you're building a house on a property, whether it be the foundation, the roof, the walls, the plumbing, the sewage system, whatever the case may be, it should only be one regulation and one person taking care of it or you haven't achieved one window.

Mr Hastings: Mr Horsman, could you provide to the committee where the specific regulations are that you believe create confusion between the chief building official and anybody else who could be delegated this authority under the new building code?

Mr Horsman: It's not necessarily the regulations themselves. It is the interpretation. As you may or may not know, the regulations in the building code are subject to interpretation by the chief building official, who is the authority with jurisdiction when dealing with matters such as those. If you have two people giving two different interpretations on matters —

Mr Hastings: Isn't that then an issue of training to get straightened out in the training network, how you interpret the new regulations in the building code?

Mr Horsman: Not necessarily. As I said earlier, the chief building official is responsible to ensure that all applicable laws are met in order to issue a building permit. The building permit process by itself is a very simple process, but because the act specifies all applicable laws, every agency, department, regulation and ministry of the government attaches itself to that process in order to deal with its own private agendas or with agendas from other regulations. You may take one section like the septic and say, "Okay, we'll have a separate chief building official," but he is only going to deal with that specific regulation. The rest of the items that deal with property or building are still those of the other chief building official. If one chief building official approves without considering all the applicable laws, then you could have a lot of problems.

The Chair: The time has expired. I will say, Ms Balfour and Mr Horsman, that I've been reviewing the Journal, the Ontario Building Officials Association magazine that you gave us, and you make an excellent king and queen, just outstanding.

Mr Horsman: Thank you very much.

Mr Marchese: Any mention of Caledon in there?

The Chair: I'm sure it's in here, but a beautiful picture. Thank you for coming.

SIMCOE COUNTY DISTRICT HEALTH UNIT

The Chair: The final presenter today is George Pasut, who is the medical officer of health for the Simcoe County District Health Unit. Good afternoon to you.

Dr George Pasut: Good afternoon. Thank you very much for the opportunity to present before you today. There's a package making its way around the table right now that contains my speaking notes for this afternoon.

Mr Chairman, members of the committee, I am grateful for the opportunity to appear before the standing committee on general government to address issues related to Bill 152, schedule D, which proposes amendments to the Health Protection and Promotion Act.

I have had the privilege of serving since August of last year as the medical officer of health for the Simcoe County District Health Unit. Prior to that I was employed in a variety of senior positions in the Ministry of Health, as senior medical consultant, physician manager, and last, as acting director of the health promotion branch. This experience allows me to view issues related to public health from both a provincial and a local perspective, and it is that perspective that I wish to share with the committee.

I know there continues to be substantial controversy related to the decision to transfer funding responsibility for public health from the province to municipalities. I don't believe this is the forum to question this policy decision. More appropriately, we should be examining the legislative instrument which has been developed to implement the policy decision and ensure that it addresses the policy's intent.

1640

There are some important problems associated with schedule D but they can be remedied. Let me illustrate several examples. The first is the definition of "obligated municipality."

The Bill is clear in its intent to establish a municipal funding responsibility for public health. It achieves this intent by defining obligated municipalities with reference to the regulation which designates the health unit. On the surface this appears straightforward and not subject to any misinterpretation. The reality for health units with multiple municipalities may be quite different. My example is particularly important here.

The Simcoe County District Health Unit comprises the geographic area of Simcoe county. This area includes 18 municipalities in total; 16 of those municipalities are represented by the county of Simcoe, an upper-tier level of government. The remaining municipalities are the separated cities of Barrie and Orillia. The bill makes reference to a regulation which designates the health unit. That's revised regulation of Ontario 553/90, areas comprising health units. This regulation defines geographic areas and does not directly specify municipalities for all health units. For Simcoe the regulation merely says "the county of Simcoe." That definition then has to be interpreted in the context of obligated municipalities.

There are several possible interpretations which arise: a literal interpretation that only the upper-tier county level is obligated, with the possible exclusion of the separated cities; an interpretation that is "geographic" in nature. That is, all municipalities within the geographic area of the county of Simcoe would then become obligated municipalities and we would have 18 obligated municipalities, with consequent repercussions related to board representation in an era of "pay for say." Either of these potential interpretations is different from the status quo: the situation that I have, with three funding partners — that is, the two separated cities and county — each with representation on the board of health.

This situation is not unique to Simcoe. It impacts on many of the multi-municipality health units. Wherever possible, the interpretation of legislation should be clear and unambiguous. The definition of "obligated municipality" at present does not meet this standard.

The second issue I'd like to address is provincial standard setting and monitoring. In making the policy announcement related to the transfer of funding responsibility during the mega-week last January, Minister Ecker was explicit about the role of the provincial government. I'm quoting: "The Ministry of Health will set and enforce minimum standards, manage disease control and fund some provincial programs such as immunization."

The establishment of minimum standards for public health services is achieved in large part through the approval by the minister of the mandatory health programs. Without these minimum standards, public health would be reduced to a patchwork of inconsistent and possibly inadequate programs when measured against the provincial objectives that have been established.

While it is important that any set of standards reflects an adequate balance between the need to specify what must be achieved and how it should be achieved, it is critical to realize that public health issues do not respect political boundaries. When we have a cluster of measles cases in a school or a case of meningococcal disease with a wide group of contacts, when we identify a child or a family at risk, these are all examples of issues which impact not just on ourselves and our families but also on our circle of contacts, our co-workers, our health care providers and others.

Residents of Ontario need to be assured that public health issues will be addressed in a reasonably consistent manner in all jurisdictions. What happens in a neighbouring health unit impacts on Simcoe just as what happens in Simcoe impacts on others. The province has reiterated its interest in a province-wide system to protect and promote public health. While the development of minimum standards achieves this in part, ongoing monitoring and assessment of public health programs at a provincial level will be necessary.

For these reasons, the discretionary assessment role which has been identified in the proposed section 86.2 is of concern. The responsibility for monitoring the delivery of public health programs is clear. Ultimately the Minister of Health is responsible and accountable. It is critical that the minister be informed of the status of programs addressing the minimum standards on a regular basis. The consequences here are too serious to leave this to discretionary assessment which might only be potentially applied after problems are identified.

The last issue I'd like to raise in the time remaining is the accountability as it stands at a local level. At a local level and as the medical officer of health, I have a duty and a responsibility that are already present in the Health Protection and Promotion Act: to protect public health. It's a role which is in part health advocate and in part health guardian. The proposed amendments to the functions of the medical officer of health compromise this ability. The proposed amendments which permit a regulatory exemption for executive officer and management and administration functions do not contain an adequate safeguard to ensure that medical officers of health retain a direct reporting relationship to the board for the health issues that they're responsible for.

Were a board of health to apply for and receive a regulatory exemption for those executive officer functions, it would place the medical officer of health and the staff reporting to that medical officer in a position which is not workable. The staff would be placed in the position of dual accountability. While the medical officer of health would retain the ability to direct program staff, he or she would have no jurisdiction over the other elements critical

to ensuring program success: prioritization of program resources, budget development and presentation, identification and recruitment of knowledgeable staff, adequacy of physical resources required to deliver those programs.

This brief presentation has attempted to highlight several of the issues the committee may wish to consider during its clause-by-clause review of Bill 152, schedule D. Specifically, the committee should consider the following:

Clarifying the definition of "obligated municipality" so that it can be interpreted and applied in all health units;

Strengthening references to the mandatory health programs to reinforce the policy intent to establish minimum standards for health. Specifically here I think the confusion surrounding the term "guideline" should be addressed by replacing it with the term "standard" in reference to the mandatory programs;

Establishing a non-discretionary mechanism of provincial monitoring for the delivery of public health programs; and

Establishing a direct reporting relationship for medical officers of health to their board on health issues and ensuring that the medical officers have the necessary authority to deal with all aspects of program planning and delivery.

These changes would serve to facilitate the transfer of responsibilities to municipalities for public health, and would help to ensure continued province-wide delivery of public health programs and services for disease prevention, health protection and health promotion.

As a concluding comment, when I got up this morning and listened to the CBC news on the radio, there were two news items that were of interest. You may have heard them. One was the prevalence and incidence of resistant tuberculosis both across the world and within the city of Toronto, and the comments related to the serious repercussions it's having for disease control. The other came from Vancouver and dealt with the ramifications of the injection drug use epidemic of HIV disease. Both of those are examples of the issues we're facing currently. These are the current public health issues of the day. We need a strong, energetic, vibrant public health system in order to ensure that we're able to continue to deal with these issues, and deal with them in a consistent manner across the province. Thank you for your attention.

The Chair: Doctor, you've raised some excellent points, and committee members will have questions, perhaps one from each caucus.

Mr Marchese: Doctor, I congratulate you for the dispassionate presentation of the views — passionate, but dispassionate in the sense of looking at these matters objectively both as an advocate and as a guardian of public health. Your first point about clarifying "obligated municipality" is something they're going to have to do. You're not the first to raise it. Others have raised it, so it's a problem for them.

Your second point about establishing minimum standards is, in my view, critical. The fact that they speak of guidelines is already an indication of a problem to me. Replacing it with standards is helpful, but even then I'm worried about what "minimum" means and who's defining

that, how you do that. So "guideline" is a problem, and I'm worried about minimum standards, and not just monitoring but also enforcement. You didn't speak about enforcement. There's no monitoring mechanism and there's nothing about how you enforce it, and I agree with your third point as well. I wonder whether you would comment on the whole issue of guideline standards enforcement.

1650

Dr Pasut: There's an existing document called the Mandatory Health Programs and Services Guidelines. It was published in 1989. It takes that title from the act, so what we have is the consequence of wording that was included in an act drawn up in another era, in the early 1980s, to deal with the revisions to the old Public Health Act that occurred in 1983. It included at that point in time the term "mandatory health programs and services guidelines." When you consider that in the historical context, it makes sense, because at that point in time the province's interest was achieved predominantly by identifying the programs it wished to offer across the province and offering funding, or at least the majority of funding, to address those programmatic objectives.

So the term "guideline" in a historical sense made sense. The term "guideline" as applied to today's reality does not make sense. It's embedded in the act. It's there in the early sections, sections 5, 6 and 7, I believe. You have an opportunity here to remedy that particular situation, and I would certainly encourage you to achieve the policy intent you have established here of establishing those minimum standards. Whatever the language that's required to achieve that, I'm not the best person to comment on that. There are legislative counsel who can support your review in that area.

Mr Carroll: Doctor, I'd like you to comment on a bit of an analogy here. In a hospital setting a doctor is chief of staff. He is responsible for medical care delivered in that hospital and he reports directly to the board. The CEO of the hospital is responsible for the administration and all those things you want in a hospital. That works exceptionally well in any hospital I have seen.

That same scenario in a public health unit, where the medical officer of health is responsible for the public health issues and reports directly to the board of health, and a CEO of some other description is responsible for the administration and so on of the board, why would that not work?

Dr Pasut: It was my understanding that there was an interest at this point in time in reducing duplication, not creating it.

Mr Carroll: Let me take it one step further, then, and say that the board of health in this case is the regional council and the CEO is the CEO of that council.

Dr Pasut: I understand the perspective you're sharing with me here, and you have chosen to isolate and narrow the perspective to a regional setting. If the truth be known, however, the majority of the health units in this province are not in regional settings, therefore the solution that has

to be present within any amendments to the Health Protection and Promotion Act has to be one that is generalizable to all settings.

We have a relatively small health unit in terms of staff size, with a mid-range in terms of population. Approximately 300,000 persons reside in Simcoe county. We have a staff complement of about 140. In terms of the preparation that I have to serve as medical officer of health, there are certain statutory requirements I have had to meet. I have had to take a master's degree or post-graduate training in order to be able to be appointed by the minister as medical officer of health. In fact, I've taken four years of post-internship training to train for this particular career. It included a master's degree; it included placements in a variety of different settings in order to learn public sector administration, management and all of the consequent and attendant functions. It's a skill I have.

To introduce a new person into that environment in order to create a parallel reporting structure for what is in essence a relatively small agency, far different from most hospitals in terms of the total staff complement, is something I personally believe to be unnecessary. It's not a problem that needs fixing.

The issue you've identified, though, is that there are board of health structures through regional councils serving as the boards of health where the medical officer of health by definition at this point in time is not and cannot be the executive officer because of the constitution of the board of health. I understand that issue, and I believe there is likely a remedy for that situation that addresses both needs here. One is the need to ensure that we don't create parallel structures, duplicate mechanisms, dual accountability for staff and end up fixing a problem that did not exist in the first place for the majority of health units in the province.

Mr Colle: Again, like the rest of my colleagues around the horseshoe here, I'm certainly thankful for your presentation. I think it's a meaningful contribution, and I mean that in every way.

What I'm getting out of what you're saying is that this one-size-fits-all structure does not apply, especially in small- or medium-sized communities. You may need this extra layer, perhaps, in a large region, but in Simcoe county, for instance, the local medical officer of health can handle the administration, the hiring, the allocation of money along with the direct health functions. Is that what you're —

Dr Pasut: That's exactly what I'm saying, yes.

The Chair: Thank you, doctor. We appreciate the quality of your presentation today, and thank you for coming.

Dr Pasut: Thank you for your attention.

The Chair: Ladies and gentlemen, that concludes the presenters for today. Unless there are further questions, I will adjourn these proceedings until Monday, October 27, at the Delta London Armouries Hotel.

The committee adjourned at 1656.

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First Session, 36th Parliament

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**Official Report
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(Hansard)**

Monday 27 October 1997

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Lundi 27 octobre 1997

**Standing committee on
general government**

Services Improvement Act, 1997

**Comité permanent des
affaires gouvernementales**

Loi de 1997 sur l'amélioration
des services

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 27 October 1997

Lundi 27 octobre 1997

The committee met at 0907 in the Delta Armouries Hotel, London.

SERVICES IMPROVEMENT ACT, 1997

LOI DE 1997 SUR L'AMÉLIORATION
DES SERVICES

Consideration of Bill 152, An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda / Projet de loi 152, Loi visant à améliorer les services, à accroître l'efficience et à procurer des avantages aux contribuables en éliminant le double emploi et en redistribuant les responsabilités entre le gouvernement provincial et les municipalités dans divers secteurs et visant à mettre en oeuvre d'autres aspects du programme «Qui fait quoi» du gouvernement.

BRANT COUNTY BOARD OF HEALTH

The Chair (Mr David Tilson): Good morning, ladies and gentlemen. We are here this morning to hold public hearings with respect to the Services Improvement Act. I believe committee members have an agenda before them.

The first delegation before us is the Brant County Board of Health, Brant County Health Unit. With us is Kevin Glasgow, who is the medical officer of health, and William Croome, who is the chair. Good morning to you. You'll require the use of an overhead, I believe?

Mr William Croome: Yes, thank you.

The Chair: If you can identify yourselves to the committee, you have 15 minutes to make your presentation, which would include any questions from committee members.

Dr Kevin Glasgow: Good morning, everyone. I am Dr Kevin Glasgow, medical officer of health for Brant county, and I am accompanied by Mr Croome, reeve of the town of Paris and also chair of the Brant County Board of Health.

In addition to the text of my presentation, you have been provided with copies of our public health unit's politician's newsletter, as well as biographical and contact information, should you wish further follow-up.

On behalf of the board of health, I will spend the next few minutes outlining both short-term and long-term issues we believe need to be considered when enacting amendments to Ontario's public health legislation, namely, the Health Protection and Promotion Act. Mr. Croome and I welcome questions at the end of my presentation. Let us begin.

The title of this overhead, "Local Public Health Dies of Multiple Causes," is taken from a recent edition of The Nation's Health, the newspaper of the American Public Health Association. A copy of this article is included in your package, and I urge you to at least read the first few paragraphs in the article. While there are some differences between public health service delivery in the United States and Ontario, the fundamental issues that threaten the integrity of our public health systems are the same:

(1) Lack of resources: Public health units in Ontario currently only receive about \$225 million of the \$17-billion-plus provincial health care budget. That's less than 2% of health care dollars directed towards prevention.

(2) Complacency and misunderstanding: Public health by its very nature is a behind-the-scenes operation and tends to be taken for granted. How soon we forget that fundamental public health measures such as potable water, proper sanitation, immunization, better nutrition and the like have been responsible for the bulk of the improvement in our health status and life expectancy over the past century.

(3) Undervaluing prevention: Public health programs in Ontario cost an average of about eight cents a day or \$30 per person annually, the price of a case of beer. Every dollar spent on immunization saves \$8 in health care costs; every \$1 spent on preventing teen pregnancies saves \$10 in medical, nutritional and welfare costs. Public health not only improves health; it also saves the taxpayer money. How soon we forget.

(4) Undermining of public health expertise: Look what happened when New York City cut back on its public health department programs in the 1980s; tuberculosis came roaring back and now costs 10 times as much to control. Look what happened in the United Kingdom recently when decisions were made, over the protests of public health professionals, to gut the inspections of food supply, distribution, and preparation systems; people then died from eating bacterially contaminated food.

I humbly submit to you that these things should not be allowed to occur in our province. How can this be pre-

vented? In the short term, you, as our elected representatives in the provincial Legislature, can assist in ensuring that public health units have cash flow on January 1, 1998. The Brant County Board of Health, in conjunction with the Association of Local Public Health Agencies, requests that boards of health be provided with the same operational cash flow guarantees that ambulance services and social housing have been provided with in Bill 152; in other words, the province should flow moneys to local boards of health and invoice the municipalities accordingly. Otherwise, there is the very real risk that some areas of the province will be without functional public health units on January 1, 1998, since so much remains unresolved with municipal restructuring and the like, particularly in areas where one board of health provides essential services for more than one municipality — two months away.

In addition to operational cash flow concerns, several health units, including the Brant County Health Unit, have outstanding debts such as property mortgages which were assumed on the basis of provincial funding some years ago. In our own health unit's situation, more than \$600,000 is owing on the mortgage as of December 31, 1997. Our seven local municipalities have already paid their cost-shared portion; the remaining debt is provincial. Bill 152 needs to ensure that the appropriate level of government will discharge these outstanding moneys owing and not at the expense of operational funding needed for the running of public health programs. There is simply no way that a health unit such as our own can find \$600,000 in a \$4-million operational budget without severely compromising public safety. In our own case, we have already taken an effective 30% funding cut since 1990 and our staffing levels are down 25% since 1992. To lay off staff to pay for the province's share of the mortgage is not only ethically questionable but is downright dangerous since we are already stretched from pillar to post coping with increased service needs in the face of diminished resources. The end of the year is only two months away; this issue needs to be urgently sorted out in Bill 152.

Consider also, if you will, the adverse consequences to provincial and municipal credit ratings if public sector agencies such as our own, through no fault of our own, are forced to default on mortgage and other capital payments.

To return to operational issues, it is extremely important that ministerial approval for the new mandatory health programs for local boards of health, as recommended by the public health branch of the Ministry of Health, receive ministerial approval as soon as possible, particularly before the end of the year. Right now health units are operating in a void with respect to operational planning for 1998. With the downloading of funding responsibility to municipalities, it is vitally important that the service requirements of local boards of health be officially enshrined by regulation in order to provide clear funding obligations for local municipalities. Similarly, although Bill 152 presently does contain obligated funding language for municipalities, the precise provincial mecha-

nisms to ensure that all municipalities comply urgently need to be defined by regulation.

What about the longer-term issues for the provincial Legislature to consider? I remind you that the Crombie Who Does What commission, Dr Duncan Sinclair of the Health Services Restructuring Commission and virtually every other knowledgeable advisory group have strongly recommended that 100% provincial funding is the best means by which to ensure the provincial integrity of public health programming. Please remember that diseases do not respect municipal boundaries. I respectfully submit to you that it is not too late to change course and adopt the recommendations of the Who Does What commission.

However, if we are to embark upon a course in which the province has the say, the municipalities have to pay, and local boards of health and the communities we serve are caught in the middle in dismay, I urge you to at least maintain provincial funding for those programs currently 100% provincially funded, namely, sexual health, tobacco use prevention, children in urgent need of dental treatment and public health research education and development, as well as infectious disease control. This will at least provide some modicum of pan-provincial accessibility to locally vulnerable services, and yes, these services are vulnerable. Just the other week, an editorial in my own community's daily newspaper raised the spectre of a municipal morality debate regarding family planning and birth control services offered by our health unit to people who have no access to these services elsewhere.

I also serve a community with one of the highest smoking rates in southern Ontario, a community where tobacco is grown. Please don't strip us of our ability to combat youth smoking. Let's not step backward in time.

In connection with my plea for at least some provincial funding for public health, and not to divorce us entirely from the rest of the health system as we compete with potholes for municipal funding, please recognize that in many areas of the province the need for public health services is increasing. Brant county, for instance, has an estimated 15,000 people, out of our total population of 125,000, who do not have access to a primary care physician. Please explain to the 111 parents and children lined up at the Brant county health unit the other day for immunizations where they're going to receive these vitally necessary and provincially mandated services if the public health unit is forced to close. The same applies to our clients who visit us for birth control services and the management of sexually transmitted diseases, including AIDS.

In addition to the health promotion activities of health units, public health agencies also provide a vital watchdog and regulatory function. Medical officers of health and public health inspectors, in their monitoring capacities, not infrequently issue legal orders, lay fines and press charges to ensure that the public's health is not compromised in matters ranging from rats in restaurant kitchens, to contaminated drinking water, to improper sewage disposal.

At times, these enforcement mechanisms need to be implemented in the face of political pressure to do otherwise. Right now, medical officers of health have statutory pow-

ers to make the tough calls necessary to safeguard public safety. Bill 152 in its current form weakens this enforcement and monitoring authority of boards of health, despite its being needed now more than ever in light of downsizing at, for example, the Ministry of Environment and Energy. As well, the role of the province's chief medical officer of health is also weakened, because Bill 152 in its current form appears to permit political override of the autonomous inspection responsibilities of the chief MOH.

We strongly urge you not to weaken the language and intent of the Health Protection and Promotion Act in this regard, particularly since local boards of health and medical officers are likely to face unprecedented pressure to bend the rules and potentially compromise public safety in a municipal funding scenario.

Furthermore, I think the province and local municipalities should consider not only the health and ethical ramifications of unqualified municipal or provincial officials making health-related decisions and having access to confidential health information, but also the liability consequences if these things happen.

In conclusion, the Brant County Board of Health wishes to re-emphasize that public health provides value for money and is integral to maintaining and improving the health of our communities. By addressing the issues we have raised, Bill 152 can be improved to increase the likelihood that the provincial integrity of the public health system can be maintained via appropriate resourcing and appropriate coordination of public health programs. Please ensure that Bill 152 will not be the obituary for public health in our province.

Thank you very much. Mr Croome and I would welcome any questions.

The Chair: Thank you, Dr Glasgow. I am sure we do have questions. Mr Hastings?

Mr John Hastings (Etobicoke-Rexdale): Thank you for your presentation. I'd be curious to know how your dental program for children operates in Brant county in terms of its caps, if any, which I don't think there are. First in, first out? Are there any ways in which this program specifically targets the lower-income children and families rather than anybody who comes in?

As a municipal councillor, and having talked to the dental person in this particular health unit in Metropolitan Toronto, my understanding is that there was hardly any fiscal responsibility in the program at all. The money was there until it ran out and when it ran out, there was no more service to anybody, particularly kids who really needed it from families of low income.

Dr Glasgow: The question was, what is the accountability mechanism involved with the CINOT program, the children in urgent need of dental treatment program? The new mandatory programs and health services guidelines, Mr Hastings, address the concerns you have raised. Screening protocols have been developed for various grades within the schools to identify those persons most at risk. Those are the persons who will be referred for CINOT treatment eligibility. So your concerns are appreciated.

Our concern in terms of fiscal accountability is that if there is not a neutral body that has to say yes or no with regard to the eligibility criteria for CINOT, if that is done by another party who may perhaps have a conflict of interest, we believe that will really result in a lack of accountability and possibly improper use of taxpayers' money.

We know we are not currently, in many areas in the province, getting enough funding for those people truly in need, and our concern is that this situation may worsen under a municipal funding situation. But there are checks and balances in the system and they're being improved upon by the new mandatory health programs in terms of screening to identify high-risk populations. In fact, our own program at our own health unit is targeted to identify high-risk schools to get the best bang for the taxpayers' dollar in terms of treatment.

0920

Mr Jack Carroll (Chatham-Kent): Thank you, Dr Glasgow. You realize Bill 152 prescribes family health, including counselling services, family planning services, health services to infants, pregnant women and high-risk health categories and the elderly, pre-school and school health services, including dental services, screening programs to reduce the morbidity and mortality of disease, tobacco use prevention programs, nutrition services and so on.

I'd like you to explain for me why you believe that municipal politicians and municipal governments are not responsible enough to understand the importance of public health and, within the context of the act, to provide an adequate level of service. Where does that mistrust that appears to be there come from?

Dr Glasgow: To address Mr Carroll's question regarding the ability or willingness of local municipalities to fund the mandated services, respectfully, history has shown that in regional government settings where they have health units which are integrated as public health departments, a part of municipal infrastructure, they are among the lowest-funded public health units in the province. When it comes to competing with potholes for money, public health is invisible, and prevention is a somewhat intangible immediate concept. It has suffered.

We are very glad to see that those programs are mandated and legislated, but we do point out that the mandatory health programs have not yet received ministerial approval. I use the example in my own jurisdiction of the question of raising a morality debate regarding family planning and birth control. Elsewhere in the province, programs that are particularly susceptible to local political pressure include things such as tobacco use prevention and sexual health programs.

It's reassuring to have the language, but there is right now not an adequate guarantee, in our opinion, that there will be commensurate funding in this regard. This is one of the reasons for these particular programs, that about 15 years ago the bulk of funding for public health moved provincial to ensure equal accessibility and equity across the province with regard to these programs.

In no way, shape or form is the Brant County Board of Health denigrating the ability of our local municipal politicians to decide wisely, but history has a tendency to repeat, and I certainly have heard the rumours of certain programs that are potentially on the chopping block. Just witness tobacco use prevention in the tobacco belt of southern Ontario.

The Chair: Dr Glasgow and Mr Croome, thank you very much for your presentation this morning. Thank you for coming.

CAROL DONNELLY

The Chair: The next presenter this morning is Carol Donnelly. Good morning, Ms Donnelly. As you know, you have 15 minutes to make your presentation.

Ms Carol Donnelly: Thank you for the opportunity to appear before you today. My name is Carol Donnelly. I am a candidate for council in London in ward 1, which is the northwest end of the city, largely because of the difficulties I see accruing to the municipality as a result of this bill, Bill 152.

The point I am trying to make is that not only are the contents of the act largely unknown in an operational sense, which allows operational kinds of planning, but that the people implementing them are not really ready to do so and to do so successfully.

The issues here are not exactly new to me. As a representative of a large part of this city on the separate school board, I have looked into a number of these matters as they will affect some of our children. My degree in social work and my experience in business compel me to view with increasing alarm the upheaval that would be created by the imminent avalanche of municipal downloading.

You will hear more detailed presentations on various aspects of the bill. I hope to present an overview of the concerns that the public has been telling me they have about the bill. These are more general in nature and are designed to prompt consideration of issues that will promote the success of the changes.

You are undoubtedly aware that the city of London passed a resolution on September 2 of this year resolving that the federal government withhold funding to Ontario for social housing initiatives and urged the Prime Minister of Canada to "take a stance with the province of Ontario with respect to the proposed downloading of social housing to municipalities." It is rare for London city councillors to feel compelled to pass resolutions urging our Prime Minister to help us. The gravity of this situation is apparent in both the wording of the resolution and the fact that city council has turned to Ottawa for help.

The September 2 resolution goes on to indicate concerns about the viability of Ontario's social housing system. These concerns focus on "the potential high risk and liability to which municipalities would be exposed; the yet undetermined role of the federal government in any such transfer; and the lack of a comprehensive review of the full spectrum of options for the administration and financing of social housing programs."

It seems to me that these concerns are significant enough to put a stop to the whole process until answers are given, discussed and understood. We cannot risk bankrupting our municipalities by ramming through ill-considered schemes.

The process of dealing with change in government must be to make sure that the "something new" stands a good chance of working rather than just requiring an expensive fix at taxpayers' expense.

Our concern as citizens is the ability of city hall to deal with these changes effectively, on a timely basis, before the problems arise. Our concern now is that the tax dollars used before to fix hasty and ill-considered changes will no longer be available.

The potential exists, depending on the assessment wealth of the municipality or region, for public health to be unevenly administered so that communicable diseases, toxic waste fires and pesticide spills that are not respectful of political boundaries may become a problem that the public cannot be confident anyone has the big picture on.

Under section 11 of Bill 152, the medical officer of health will no longer be required to keep himself or herself informed about matters of not only occupational health but also environmental health. Public health has largely been an invisible service because it has been so effective and uncontroversial. It has, however, served to give an overview of matters that might require concerted provincial action to safeguard it.

Section 14 of Bill 152 allows the minister to make regulations to calculate the municipal portion of costs if he establishes a regional board. Any revenue from fines for failure to provide those mandatory services outlined in the bill shifts to the provincial Minister of Finance from the municipalities. Hidden in this downloading and fragmentation of services is a provincial money grab.

What's hidden in the changes in child care portion of the legislation? Under this legislation the municipal responsibility for child care will be mandatory and municipalities will cost-share all child care services by 20%. The legislation centralizes child care services funding to about 50 designated "delivery agents," instead of the broad range of individual municipalities now providing fee subsidies. These delivery agents will be the same entities responsible for local social assistance implementation. The province says it wants to implement some uniformity on the range of levels of service municipalities offer. This is a good thing. But also the concern is that it's really looking to reduce levels of services due to lack of ability to fund.

Child care is not a welfare service. The financial costs of providing service to the thousands of single parents participating in welfare or workfare schemes may overshadow the larger issue of the needs of the working parents of Ontario for quality day care for their children.

Also in danger of being overlooked are the enormous complications in administration if the minister designates geographic areas other than municipalities as "delivery agents" for social services, child care, public health or social housing. All kinds of governance issues could lead

to increased costs of administration and diminish the effectiveness of services provided due to jurisdictional complications.

The downloading of tax changes and the ability of municipalities to compensate for the changes in status for cemeteries, churches, public education institutions, municipal properties, houses of refuge and charities in commercial locations will vary from city to city. This could severely impact these organizations' ability to function in any given municipality. It particularly increases the burden on voluntary charities at a time when their funding is already being undermined by the provincial drive to shift charitable funding from personal, individual contributions to the vagaries of casino gambling. Taxes to pay taxes for our public institutions may also result from this.

0930

There is tax fatigue in our community. Local government cannot afford to make the mistakes of the past and local citizens cannot afford to fix them. What happens when the one-time transition grants are gone and people wake up to what downloading really means to their tax bill?

Bill 152 puts income redistribution measures on to the local property tax, away from provincial income tax. It pits cities and regions against each other so they are competing to see who can do the least for those in need, rather than society doing the best it can. No city wants to attract newcomers because it provides social services better than its neighbours.

This fracturing of income support programs, housing support, employability and retraining efforts diminishes, rather than builds, on the effects of the programs involved. In an economic downturn of any magnitude, many Ontario municipalities could be brought to the brink of bankruptcy, especially as this province continues to dictate the level of service while sending the bill to the local taxpayer.

There is worry in our community. Concerns about the delivery of service, the cost of those services, the loss of those services are valid. The concerns are growing. The more we ask questions, the more we realize that there are few answers yet. We realize the potential of those in need being moved to other jurisdictions to get better service. Look what happened in Aylmer. That's a situation where people in various states of social assistance and health care were moved from Toronto into an empty nursing home in Aylmer. There are a lot of service delivery questions that were unanswered at that point.

We have a mobile society. Do we fail to serve our own community for fear of being overwhelmed by others whose communities cannot serve them?

These questions are fundamental to the integrity of the system and not just "Oh, by the way" afterthoughts. Please note that the public for whom I speak are not saying they are against change or are opposed to reform. Most of us know that government at all levels could and should perform better. The need to improve, we suggest, needs to be balanced with the adage that haste makes waste. The transfer of responsibility of other programs is significant, but not as apparent to the local taxpayer. For

example, the expectation of our citizens is that if an ambulance is needed, one will be provided, fast.

Pre-hospital care is an emerging field in preventing death before the victim reaches hospital. Will municipalities be able to support these improvements? Will survival depend on where in Ontario you are injured? What will change if these services are transferred to local government? What will the additional costs be to municipalities when local hospitals are closed by the province? If nothing will change, why impact our community with the proposal? If anything changes, which one wins, the lives of those being transported or the budget? Why have longer distance requirements for medical transportation not been included in the province's calculations when already a number of hospitals have been slated for closure?

There is another perspective that may not have been considered yet. With the downloading of all the services mentioned in Bill 152, there will be a tremendous increase in responsibility shifted to municipal politicians. These are part-time politicians. What qualifications do these people have? What resources would be helpful to them? Provincial governments have large ministries with large research and policy staff. Provincial politicians have large office staffs and party research facilities to help them. London councillors share one secretary. Municipal staff are overwhelmed delivering service. There's a very real difference in the ability of the politicians involved to acquire information, to analyse it and to make informed decisions.

While the media to this point have illustrated the concerns of the province, the service providers, the service consumers and the taxpayers over the costs of Bill 152, something more needs to be said. It is true that the shift of responsibility will be huge. It is true that millions of dollars will be needed to maintain programs. It is true that the public knows little of the impact Bill 152 will have on local services and on their property taxes. It is true that transition grants will not run out until after the next provincial election. It is true that provincial cabinet ministers are left to determine what the costs are and what precise costs are unloaded on to municipalities by Bill 152.

What is also true is that there is no local requirement for accountability, nor is there a mechanism to measure the political performance of those making the decisions. The province tells us that changes concern them. The public is telling me that for change to work, there must be confidence in the agents of change, our city council. My experience suggests that it appears that there may not be the desire, the experience or the understanding in local government for these changes to begin in two months' time, January 1, 1998. In addition, the morass of cross-boundary payments and charges will keep civil servants busy for years, using up tax dollars that could be better spent on direct services or in taxpayers' pockets.

Of all the issues raised, my most significant is whether city council will be ready or capable to do what Bill 152 dictates must be done. Precedents in local performance suggest otherwise. Our community is hopeful that these changes will be beneficial to London. Our community knows that for that to happen, city hall must be capable,

informed and committed. On behalf of our community, I am requesting that enough time and training be given to local government about Bill 152 to protect our taxpayers from an experiment that might otherwise fail.

This community has, over the last several years, suffered from too many controversies such as the convention centre general manager buyout, refusal of the gay pride proclamation by our mayor, and most recently, the whole London Hydro affair. This community simply cannot afford another major setback. The effect that failure would have on increased taxes and human suffering will be felt for too many years to come if Bill 152 is implemented without proper time for operational planning. The implementation of these matters requires careful planning after all the facts are known.

I beseech you to recognize the gravity of the situation with only two months until January 1 and so little information still available for municipal politicians and municipal staffs to work with.

The Chair: Thank you, Ms Donnelly. Are there any questions? You have two minutes.

Mr Rosario Marchese (Fort York): Ms Donnelly, I want to thank you for your presentation. It's quite thorough. You've raised a lot of good questions that many people in Ontario are asking as well. It befuddles many that the province should change the whole system to arrive at a revenue-neutral situation, because if nothing changes, why do you cause so much chaos in the system, with so many uncertainties that come with it? Many of us are asking, why are they doing it? Do you have a sense of why this government would pass on to municipalities child care expenses, all of housing, welfare as well, now more so than before, when they promised to disentangle this situation and now it's more confusing? Do you have a sense of why this government would want to do that to municipalities and the municipal taxpayers?

Ms Donnelly: I wouldn't presume to speak for the government. One of the things that does concern me is that in the exchange of services, with education going to the province, the government has clearly stated its intention to control those costs. Of concern to me is that the costs being downloaded on to the municipalities are not in the same way controllable; they're driven by need. In an economic upturn, the need is not as great and may be manageable at the municipal level. In an economic downturn, the need may not be as manageable or the cost as controllable, and that becomes a very serious issue at that point in time.

Mr Marchese: I agree with that, but I also find it unfair that some of these soft services should be passed on to the municipal taxpayer, to the property owner and to tenants who pay taxes. My view is that some of these, or all of these, should be paid by the province through an income tax system. Do you share that view?

Ms Donnelly: Studies in the past have shown that an income-tax-driven system is better able to bear those costs, and that's why the original move was weighed to that basis. I haven't seen any studies — and that's one of

the things that concerns me — that indicate that this may be a better way to do it.

The Chair: Thank you very much. Your time has expired. We thank you for taking the time to speak to us this morning.

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CANADIAN UNION
OF PUBLIC EMPLOYEES,
LONDON DISTRICT

The Chair: The next speaker is Jim Squires, president of the London district CUPE council. Good morning, Mr Squires. You have 15 minutes to make your presentation.

Mr Jim Squires: Good morning. The Ontario division of the Canadian Union of Public Employees is pleased to submit our views on Bill 152. There are well over 170,000 CUPE members in the province of Ontario. We work and live in every county, district, town, township and city from one end of this province to the other. We provide services to the public. Many of us have a vital interest in this bill, including tens of thousands who work for municipalities, child care facilities, public housing authorities, ambulance services, and public health boards.

The government classifies Bill 152 as part of its Who Does What initiative. The major effect of the bill would be to transfer to the municipalities responsibility for the funding and, in some cases, the delivery of certain services. The areas directly affected by the bill are ambulance services, child care services, sewage system inspections, boards of health, GO Transit, and social housing.

Although far-reaching, Bill 152 is just one aspect of a reconfiguration of provincial and municipal powers. Two key facts stand out. First, these changes are a money grab by the provincial government. Second, the government is getting out of the business of governing — at least in ways that can help working people. This direction is tearing the province apart, as the current teachers' strike indicates. If the government persists in this direction, if it persists in confrontation, if it persists in taking its direction from the Reform Party, we can only expect disastrous consequences for Ontario. Ontario wants the government to provide quality public services. This is the government's proper role.

The bill raises a wide variety of concerns, but the major problem is that the funding of vital public services that should be paid for through the provincial treasury will be transferred to municipalities. The transfer in funding responsibilities creates a ticking time bomb for the municipalities, the public, and the workers employed in these services.

The government has presented this bill as if it naturally followed from the Who Does What panel — indeed, this is suggested in the title of the bill — but the direction of change has been criticized by the chair of the Who Does What panel, David Crombie. For example, the Toronto Star quotes Crombie stating that the decision to make municipalities pay for social services is “wrong in princi-

ple and wrong in practice." Indeed, on the proposal to force municipalities to fund social housing, the Star quotes Crombie as stating, "We had no discussion on social housing.... It was like it was done on the back of an envelope because it just sort of came out of the blue."

We agree it is wrong to make municipalities pay for social services, and here's why. The province has cut over \$600 million in unconditional transfers to the municipalities. At the same time, the province has transferred new funding responsibilities for ambulance services, public housing, GO Transit, public health boards, and child care. This threatens the financial health of our municipalities.

It is also becoming clear that the costs the province has estimated the municipalities will have to pay for the transferred social services are unrealistically low. Public housing may need up to \$1 billion in repairs. Studies done for the co-op housing sector indicate that almost \$220 million a year will be needed to finance repairs and build up adequate reserves for Ontario's social housing. Yet the province has said it will make one-time payments of \$173 million to top up reserves for co-ops and non-profit housing and \$42 million for repairs for the Ontario Housing Corp. But this is only a fraction of the true need and does nothing to address the ongoing costs. Cities will face a choice between raising property taxes or letting social housing slide into American-style slums.

As well, the provincial government has based interest rates on the current, historically low interest rates. But if interest rates increase only 1%, the operating subsidy costs will increase \$111 million annually. As well, the cost of rent-geared-to-income assistance will increase substantially if there is another economic turndown that causes people to lose jobs or incomes. This will come just as the municipality is facing rising social assistance costs.

This is also a problem for child care. The provincial government is forcing parents on social assistance who have school-age children to participate in the government's workfare schemes. This will require a massive increase in the amount of child care, driving up costs for the municipalities again.

Faced with these realities, we fear municipalities will decide to cut services. This could mean longer waits for ambulances, poorer quality of care, more privatization of public services and even more homelessness. Our safety and our quality of life will decline. Is this what the public wants? Absolutely not.

We should note that this could also mean cuts to other municipal services not even directly affected by Bill 152. Right-wing municipal politicians will place the issue as deciding what to cut: roads, garbage collection, public transit, social housing, ambulance services, child care, or all six.

For example, some regions will carry a higher share of housing costs simply because they have much higher levels of social housing. Some will pay much less. Large centres, the province's key economic centres, will be threatened with extra costs. Worse, this reform will encourage municipalities to avoid public housing at all costs, as it will only mean greater costs for the municipality.

Instead of a progressive vision of mixed-income communities, this reform encourages the American scenario of affluent enclaves and low-income ghettos. Attempts to address this problem by pooling across upper-tier municipalities, or the greater Toronto area, will only partially offset this problem, and again raises the question, why are these services funded at the municipal rather than provincial level? The proposed reform threatens to polarize our communities.

Richer municipalities will be able to provide better services than poorer municipalities. This is hardly appropriate for vital social services like child care, public boards of health, and ambulance services. Provincial funding of these services allows the province to enforce province-wide standards. Even though the existing ambulance service is delivered through a variety of service providers, the province is able to ensure a consistent level of service. Outside of Metro Toronto — which is large enough to ensure excellent ambulance service — the provincial government funds ambulance services on a line-budgeting, cost recovery basis. This encourages province-wide quality control. Without this spending power, the ability of the province to ensure province-wide standards is reduced. Do we really want a society where one municipality provides adequate ambulance service and another municipality provides less service?

It is interesting to note that until the early 1970s the province had exactly this sort of system. In some parts of the province ambulance service was rudimentary, to say the least. It was only when the provinces began to play a larger role in ambulance funding that we began to resolve these problems. CUPE ambulance workers are so concerned about Bill 152 that separately they too have developed a submission for this commission. We urge you to carefully attend to their comments.

The bill also sets the framework for deregulation of services. For example, in child care we expect that in the future all provincial standards and regulations will be eliminated, leading to a patchwork child care system. Compounded by the financial crunch, this may lead to low-cost, low-quality babysitting services or perhaps to an exclusive focus on social assistance recipients rather than all Ontarians. Our children will pay a heavy price for this.

Municipalities get much of their income from property taxes. But property taxes are an inappropriate way to fund social services. This is because a property tax is a regressive tax. Those with low incomes pay a higher percentage in property taxes than those with a higher income. Social services should be paid for out of income taxes, where high income earners can pay a higher percentage than low and middle income earners. And this means that the money should come from senior levels of government, not municipalities which cannot levy such taxes.

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In effect, working people are getting a double whammy. First, the bill undermines social programs that primarily benefit working people. Second, it requires payment for what remains through a tax system that favours the well-to-do over working people.

This bill and other related moves by the government will put a financial squeeze on the municipalities. While many progressive municipal politicians will resist privatization, inevitably, right-wing politicians and consultants will call for the privatization of services. We know that public employees can provide high-quality, efficient public services that cannot be matched by contractors skimming a profit. None the less, privatization will be sold by consultants and others as a way of cutting costs through low-wage, non-union labour. This will only lead to conflict within the municipal sector. Isn't it time this government backed off confrontation and moved towards conciliation?

With the money crunch, some right-wing politicians and consultants may set their sights on municipal employees. We will do everything in our power to ensure that workers do not pay the price for these reforms. One area of particular concern is the wage subsidies for child care workers. These subsidies represent a substantial portion of the wages for low-paid women workers. We fear the provincial government may use the occasion of downloading of child care responsibilities to the municipalities to slash its costs by eliminating or reducing the wage subsidy to these low-paid workers.

The provincial government is rushing to force municipalities to pay for these services. But in many instances, the provincial government is not in a position to hand over the operation of the services to the municipalities. As a result, the municipalities have to pay for services over which they have no control. So municipalities will have to pay whatever the minister deems for these services, but it will not be until some point in the future that they will have actual control over these services. This is a poor form of public accountability and an inauspicious start to reorganization.

Moreover, we ask why the provincial government is putting the municipalities in this awkward position. Why are they in such a hurry when the organizational change is not in place? We believe this points to an important goal of this bill: to pay for the government's ill-advised provincial tax cut that only benefits the rich. Bill 152 represents one way in which working people will be asked to pay the price, with higher taxes, user fees, and slashed services. This bill must be withdrawn.

The Chair: Thank you, Mr Squires. We have time for one question.

Mr Carroll: Thank you, Mr Squires. We had three CUPE presentations in the city of Toronto. One was word for word the same as this, so we've heard most of this before. CUPE has presented to every committee that I've been involved with since I've been in government, and their answer to every bill we've brought forward is the same: Withdraw the bill. I take from that that either you believe that the status quo — where we're spending \$1 million an hour more than we're taking in and we're mortgaging our children's future — is okay or you have no suggestions as to what the future should be, what changes we can make to provide better services for the people of

Ontario. Have you got any concrete, positive suggestions for us?

Mr Squires: To answer your question, a concrete, positive answer would be that we see this as nothing more than a cash grab. That's exactly what it is.

Mr Carroll: How? For whom? Who's grabbing the cash?

Mr Squires: The government is grabbing the cash.

Mr Carroll: The government is the taxpayers, sir.

Mr Squires: And working people are also the taxpayers, and we're going to be forced to pay for these services that you are cutting from the municipalities.

Mr Carroll: We're paying for them anyway. Give me a positive suggestion as to how we can do it better for the taxpayers of the province.

Mr Squires: I think the best way to do it for the taxpayers of the province is to listen to what your government perceives as special interest groups. We're concerned about the services to the people of Ontario, and the people in Ontario want the services. They want good public services. They don't want contracted-out services.

Mrs Julia Munro (Durham-York): On page 5 of your submission, you refer to the fact that provincial funding of these services allows the province to enforce province-wide standards. Because on page 6 you refer to the fear you have that provincial standards and regulations will be eliminated in child care, I'm wondering what level of provincial funding do you see as the break-off point, since at this point we're looking at 80% provincial funding for child care?

Mr Squires: I can't answer that question.

The Chair: Thank you, sir. Our time has expired, unfortunately; we'd like to ask more questions. But thank you very much for coming.

TOWN OF EXETER

The Chair: The next presenters are Dave Moyer and Rick Hundey of the town of Exeter. Mr Hundey is the chief administrative officer, and Mr Moyer is chief building officer and planning administrator. Good morning, gentlemen. As you know, you have 15 minutes to make a presentation to us.

Mr Dave Moyer: I don't believe we'll have to take that much time, but we'll see what we can do.

Mr Rick Hundey: This is Dave, by the way, and I'm Rick.

Mr Moyer: Specifically, we're here today to talk about the Service Improvement Act, Bill 152, as it relates to amendments to the Building Code Act. A little bit of background: The corporation of the town of Exeter is a small urban municipality located approximately one half-hour north of London and 45 minutes southeast of Goderich. We have a population of 4,500. The town has traditionally provided excellent service to our ratepayers in all areas of municipal administration at what we consider to be reasonable costs.

The town is very supportive of Bill 152 as it pertains to the amendments to the Building Code Act. We support the

government's initiatives as recommended by the Who Does What advisory panel. As you can see, on January 20, 1997, the Minister of Environment and Energy, in his introduction speech, reinforced the panel's recommendations by stating that direct septic service would be designated to municipalities, as they have the ability to provide one-stop approvals service for the taxpayer. We feel that this is very important to the taxpayer and will help to generate economic development within our municipality.

Traditionally, within the county of Huron system, the health unit has provided services to the local municipalities, which included the enforcement of the plumbing code under the Ontario Water Resources Act, now part VII of the Ontario Building Code Act, and on-lot sewage systems under the Environmental Protection Act. The Building Code Act in 1992 was amended, and the system was further entrenched by section 33, which allowed the county council by bylaw to maintain the services of part VII, the plumbing code within the Building Code Act, and only allow that to be devolved back to the local municipalities through a county council bylaw.

The county of Huron now feels that this existing system is appropriate and that a new fee structure should be established to ensure that the system is cost recovery. I have included a copy of a report presented by the staff to the planning and development committee for your review. Our concern naturally focused on the point that no options were presented to the planning and development committee for the local control or the local administration of the on-lot septic system approvals, as is the initiative proposed by the government.

Basically, the town's position is that the town believes that the delegation of the responsibility for the septic system inspection and approvals will help to further the government's goals of encouraging economic growth and improving the building regulatory process by providing one-stop shopping for both the public and the local building industry. However, what the bill has not done is remove section 33 of the Building Code Act; specifically, the Building Code Act should be changed to allow the local municipalities to determine who will perform enforcement of part VII, the plumbing code, therefore allowing agreements to be entered into with the health unit through the local municipalities, if that is felt to be appropriate, or some other way of administering that section of the code.

The Building Code Act is quite clear. It says that the council of each municipality is responsible for the enforcement of the act in the municipality. Bill 152 maintains the rights of municipalities to enforce the regulations contained in the building code through the delegation of the responsibility for on-lot septic systems to the local municipalities, and also the funding of that system through a user pay system, which we would agree with.

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The town does not feel that the county has provided a poor service over the years, but we do contend that we should have the ability to choose. Through the elimination of section 33 of the Building Code Act, we feel that the

policies of the government can be further advanced, and municipalities would have the option within Huron county for the delivery of the services, including part VII of the building code.

These options may include: enhanced enforcement of building code regulations, as they would all be done at a local level; improved customer service through one-stop shopping for local people in the town of Exeter; improved coordination and reduced bureaucracy through the administration of the building code and related development activities at a single location instead of through the towns of Clinton, Goderich and Exeter — Goderich is where the county seat is; and reduced costs to local ratepayers and the building industry through a streamlined approval process. These options may provide opportunities for centralized administration of development activities within our community and a service system that is both cost-effective and customer oriented, something the town has always felt is important to help establish growth within our community.

The Ontario Building Code Act is and hopefully will continue to be a statute which not only provides clear guidelines for our construction industry but also affords a safe and healthy environment for all the citizens of our communities. Through the inclusion in Bill 152 of the plumbing code section of the Building Code Act and the municipal responsibility for on-lot septic systems, we feel this will help to improve what is fundamentally a sound approach to building code administration.

Mr Mario Sergio (Yorkview): Mr Moyer, thanks for coming down and making a presentation to the committee. Who does the health inspections for your city at the present time, provincial or regional inspectors?

Mr Moyer: It's done through the Huron County Health Unit, so they're county inspectors.

Mr Sergio: How does Bill 152 improve the building code?

Mr Moyer: Allowing the local municipalities the ability to approve and enforce the provisions of the on-lot septic systems will allow the local ratepayers an ability to deal with the local municipalities through the enforcement of that provision of the bill, the addition of that section in the building code.

Mr Sergio: All the responsibilities the county or provincial assessors or inspectors presently have will be downloaded, if you will, to the immediate local municipalities, which means your local municipalities will have to hire, educate and instruct the assessors and inspectors. I wonder where a small municipality is going to get the money to hire these people to train them so they can conduct property inspections and so forth.

Mr Moyer: Thank you for the question. We don't necessarily feel we would eliminate the agreement that is in place with the Huron County Health Unit regarding the on-lot septic systems as well as the plumbing code in the building code. We would simply like to have Bill 152 amended to eliminate section 33 of the Building Code Act, which would therefore give us the opportunity to look at other options. We may find that the option of allowing

delivery through the health unit is the appropriate option, and we may stick with that option. However, we would like the ability to choose.

Mr Sergio: How would you recoup the cost? You say you want to have the flexibility to recoup the cost. How would you do that?

Mr Moyer: Presently the costs are recouped through grants from the provincial government as well as user fees and a county levy structure which the municipality of Exeter pays into. The fundamental feeling in the town of Exeter is that the council would have to make a decision whether to recoup the costs totally through user pay or partially through user pay as well as through municipal taxes.

Mr Marchese: David, I have no doubt that the town has a good history of providing excellent service. That's not in question here. But I do have two quick questions that have been raised by the Association of Supervisory Public Health Inspectors of Ontario. I have concern about the questions they raised as well. One of the questions had to do with having environmental and public health programs provided by an autonomous agency which is somewhat more insulated from local development and political pressure. He cites a number of examples where that has gone astray.

The other question concerned the fact that the current number of 40 or so service delivery agencies allows for a more consistent and uniform application of province-wide standards compared to downloading the program to several hundred municipal building departments with little or no experience — they might have some experience; I have no doubt about that. But they raised two good questions. How would you respond to either or both of them?

Mr Moyer: I believe your first question was regarding health units being insulated from the political and other pressures that would go along with local communities. The health units are controlled by health boards, which are members of the elected county council. Therefore, they are elected representatives. Personally, I'm not sure whether there would be any less political influence at that level than there would be at a local level.

Mr Marchese: But they are more autonomous. It's an autonomous body. It's a little more removed — I would argue much more removed — than a little municipal council or a town and so on, which is easily influenced by developers and other political factors. But I guess you don't agree with that.

Mr Moyer: I think local workers, local administrators, have a responsibility to the public that is in their area as well as to the regulations that are put in place. Therefore, by doing their job appropriately, political influence should not be a large factor.

Mr Marchese: Okay, and the second part?

The Chair: Sorry, Mr Marchese; time's up. Mr Gilchrist?

Mr Steve Gilchrist (Scarborough East): Mr Moyer, I appreciate your comments. Would I be correct in saying that rather than removing section 33, you would be just as satisfied seeing an amendment that gives an option to

either the county or municipalities to enter into these sorts of agreements for enforcement?

Mr Moyer: The option should be given to the local municipality to enter into an agreement with the county, not both ways, simply because the county council then could force the local municipalities to enter into an agreement which they may not feel is in the best interests of their citizens within their local community.

Mr Gilchrist: How do you reconcile that with section 32.1, then, which basically says that, that "the council of a county and of one or more municipalities in the county may enter into an agreement for the enforcement...."?

Mr Moyer: I guess I was misinterpreting your question as to whether or not you felt the county could enter into an agreement with a local municipality. That would be fine, provided the local municipality was not forced into that agreement through a vote of county council that said, "You have to enter into an agreement."

The elimination of section 33 and the leaving in of section 32 would be fine.

Mr Gilchrist: Again, if a change was made in the fifth line of section 33 — instead of "the county shall enforce," add a preamble that if the municipalities were to so require or request, that would be the case — why would we not want to leave that in there as an option?

Mr Moyer: Maybe I wasn't quite clear. There are only a few municipalities that are county or regional systems within Ontario that presently have a county plumbing department or a health unit that provides the plumbing inspection for the local municipalities. When section 33 was passed, it basically gave the right for those county systems to maintain in place what was done, without any local ability to withdraw from that system.

If you amend section 33 to say yes, the local municipality could have the right to enter into the agreement or to opt out of the agreement, certainly that would be appropriate in our opinion.

Mr Gilchrist: I appreciate your suggestion. I'll certainly take that back to the minister.

The Chair: Thank you very much for coming.

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PERTH DISTRICT HEALTH UNIT

The Chair: The next presenter is Kathryn Rae of the Perth District Health Unit. Good morning, Ms Rae.

Ms Kathryn Rae: Good morning. Thank you for allowing me this opportunity to address the committee.

The Chair: Thank you for coming. You have 15 minutes to make your presentation to us.

Ms Rae: I'd like to begin by giving you some background information that's not in our brief. On a personal note, besides being the Perth District Health Unit chair, I'm also a member of Stratford city council, serving as planning chair and vice-chair of finance. This summer I served on the ALPHA ad hoc committee, formed to make recommendations on some continued 100% provincial funding.

When I became chair three years ago, we were the largest deliverer of community health care in Perth county, with over 90 employees and a \$7-million to \$8-million budget. In came the CCACs and out went health care integration. Two years ago, we smaller boards were told to seek mergers. A proposed merger with Huron county is on indefinite pause. Savings of \$300,000 to \$350,000 yearly go unrealized and thousands upon thousands of provincial dollars have been paid to consultants, and yet provincial support seems to have vanished. We now have approximately 40 employees and a budget of slightly over \$2 million.

Like Bruce, Grey, Owen Sound, Huron, Oxford, Elgin, in the last two years our budget has received (1) 5% permanent social contract reductions; (2) 5% to 10% losses from the creation of the CCACs; and (3) 15% budget reductions from the province: 4% in 1996, 10% in 1997, and 1% that's still out there for next year. The resulting 25% decrease in our budget means that many mandatory programs are already underfunded and poorly delivered. Our communities deserve better.

I would now like to read from our prepared brief. Our board of health is very supportive of public health services and the need for strong legislation. We are deeply concerned that public health services will suffer in the shift of funding to the municipalities on January 1, 1998. Our local health unit has a solid reputation for providing effective and cost-effective programs. The reality, however, is that our services are often invisible and behind the scenes. When we do our job well, our results go unnoticed: It's the outbreak that didn't happen. It's difficult to compete for municipal dollars with more tangible services like police, fire and roads. I think sometimes we should put all our employees in uniforms and cars with flashing lights and maybe they'd get the appreciation they deserve.

Even when municipalities appreciate the long-term gains and savings from public health services, these savings go mainly to the provincial government. This is certainly a disincentive to municipal spending in this area.

Furthermore, some of the most needed public health services, like sexual health, AIDS prevention and tobacco enforcement, are often controversial due to local political sensibilities or values. We know that municipalities have tried to interfere with these programs in the past. All of these factors will make it very difficult and likely impossible for our provincial public health system to survive the transition to municipal funding intact, as is the government's stated goal in the downloading exercise. Even municipalities that are willing will just not have the resources to fund public health adequately, and service cuts will surely result.

This creates a huge dilemma. Mandatory programs, assessment of service provision and enforcement by the province, major components of the proposed legislative revision, are critical. However, these measures won't get money, which isn't there, from the municipalities. We believe that public health funding should have remained a provincial responsibility, as recommended by the Who Does What panel. We have urged the government to re-

consider whether some programs, especially those that are most politically vulnerable or clearly of a provincial nature, should stay provincially funded. These include sexual health and AIDS prevention, tobacco education and enforcement, the CINOT program and the public health research, education and development program.

I'd like to give you some recent anecdotal evidence about this. Our staff have undertaken to meet with municipal candidates, and they've been either going to their homes and trying to familiarize them with public health or they've been having them tour through the health unit. The number one question — it seems to be the only major concern of all these municipal candidates — is tobacco and tobacco enforcement. Their question is: Is it true that once we fund it, we have control and we won't have to enforce it? Ladies and gentlemen, you've spent millions of dollars of provincial money and we've developed wonderful programs for the cessation of smoking. Are we going to let these go into the hands of the municipality and simply disappear? Smoking is the number one health hazard.

Regarding the proposed amendments to section 67, the authority of the medical officer of health, we support the medical officer of health as the executive officer of our health unit. Public health physicians are extensively trained beyond medical school to take this leadership role, and they provide a cost-effective combination of public health physician and senior manager. We recall the situation before 1983, when some public health units had split accountability for programs and business affairs. This was often divisive and counterproductive. Our recommendation is to leave this section of the act unchanged.

We appreciate, however, that there are strong forces for change. Many municipalities are looking for close integration of the public health unit with other municipal departments and for sharing of administrative support services. Presumably the proposed amendments will accommodate these changes. We urge, however, that strong safeguards be included to preserve the ability of the medical officer of health to always be able to speak out on health issues and report directly to the board of health and to municipal councils.

We also urge that the medical officer of health authority, which is being limited in section 67, clearly apply to staff whose duties relate to the support of public health programs and services, not just their actual delivery.

The Perth board supports strong provisions for monitoring the delivery of services by local boards of health to ensure that province-wide standards are being maintained. We recommend that the proposed amendments be strengthened to require regular reporting to the ministry by the boards of health. We also support a requirement for medical officers of health to report regularly to the chief medical officer of health and for the latter to report regularly to the public on the health of the people of Ontario.

We note with some dismay that the authority of the chief medical officer of health to investigate or intervene in health crises or in situations of non-compliance has been limited in the proposed legislation, in that his in-

volvement is to be under the direction or delegation of the Minister of Health. We believe this introduces the possibility of delay or political interference, which could significantly hamper the ability to cope with serious health situations, such as a massive food recall or an imminent disease outbreak.

In addition, we support the minor housekeeping amendments ALPHA has proposed, and these are listed in our brief.

In conclusion, we believe that AMO and the province were unwise in bargaining away a vital part of our provincial health care system. As a consequence of the Who Does What negotiations, our municipalities are facing large tax increases. The success of our three partners, Perth county, the city of Stratford and the town of St Marys, has been built on a strong, healthy population living in clean, healthy environments. Perth county's role as an agricultural leader, Stratford's growing industrial base and world-class cultural reputation, and St Marys' bustling economy all demand strong community health infrastructure. Provincial downloading threatens our health, our economy and our quality of life. We urge the province to accept ALPHA's provincial funding recommendations. Our citizens have the right to expect the support that will enable them to lead full, active lives in a safe, productive and satisfying environment.

The Chair: Thank you, Ms Rae. Mr Marchese, each caucus has about two minutes.

Mr Marchese: Thank you, Ms Rae. You've raised a lot of important questions, some of which have been raised by many other folks, including a Dr Pasut, MD, MHSc — he's full of titles — who's very concerned about some of the problems connected to obligated municipalities, the fact that some are not so clear-cut. He raises the point: "Strengthening references to the mandatory health programs and services to reinforce the policy intent to establish minimum standards for public health. At minimum, confusion surrounding the term 'guideline' should be addressed by replacing it with 'standard' in references to the mandatory programs."

Some of these concerns are shared by many people in public health. I am worried about this. You heard Mr Carroll saying, "Some of you folks out there like the status quo," presumably meaning that what we had wasn't working. But your point is, at least in relation to this, that it was working relatively well and that there are some risks in putting these programs into the hands of municipalities, by and large, and changing the rules a bit. Are you concerned that maybe we are wrong, you and I and others, and that the government is on the right track? Are they enlightened and we're just on the wrong track? What do you think about all that?

Ms Rae: I'm quite confident, as somebody who has been involved in municipal politics for some time and has a very strong sense of my community, that I'm on the right track.

Mr Marchese: I agree with that.

You're worried about the ramifications, are you not, of the weakening of the statutory powers of both the local

medical officer of health and the chief medical officer of health?

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Ms Rae: Yes.

Mr Marchese: The concerns were raised in your brief. Did you want to comment any more, or was that already clear?

Ms Rae: I'd like to add one additional fact. The province is combining a number of services in our areas. Our DHC has gone from serving two counties to four. We're combining boards of education, we're combining other services. We need strong voices to represent us at the provincial table. Our medical officer of health, in the whole area of community health, has been the strong voice in our county. We need to continue that. The small towns and rural areas of western Ontario deserve strong voices at the provincial table.

Mr Hastings: Ms Rae, I'd like to pursue your contention regarding the tobacco situation. You said that we have wonderful programs, which have cost millions of dollars over the years, and some of them have been effective. But I'd be curious to know, in your own area, do you have any specific data, without referencing your lack of fiscal resources, for determining whether you have had positive results out of the tobacco control program under your public health situation? Do you have the numbers for preventing smoking increases in young people? In my own personal estimation and looking at data, the trend's the other way. That puts in doubt how effective that smoking control program is, if you have more young people engaging in smoking, particularly teenage girls of 12, 13, 14, and even younger.

Ms Rae: That's certainly a grave concern for all of us. I'm a high school teacher by profession, so I certainly share those concerns. However, the smoking program is more than just getting the teenagers to quit. If we don't have any enforcement about who buys those cigarettes, it's going to get worse. In addition, all the issues of second-hand smoke — and second-hand smoke is the great health threat. Certainly the bylaws we've seen with the encouragement of the health unit in our area have done a great deal to prevent second-hand smoke in most public places. There have been very positive steps.

Mr Hastings: How about prevention at the outset, from having young people start smoking?

Ms Rae: Obviously, if we don't have some sort of province-wide initiative and it's left to individual municipalities — it's like drinking. If you can go to the next county and buy your smokes or drinks or whatever, we're not going to get anywhere.

Mr Hastings: Specific proof of success already from prevention for young people in your own area?

Ms Rae: I think our young people have a raised awareness, even the ones who are smoking. It certainly was my sons who got my husband to put down the pipe and quit smoking. That pipe had been in his mouth for 30 years.

Mr Hastings: That's one, anyway.

Mr Mike Colle (Oakwood): Thank you for some very valuable insights. The first thing you brought to our attention is the fact that what could happen is that you're going to get a different approach from different communities in dealing with health issues and it's going to be very check-board. There's no way of telling which ones are going to fall through the cracks, whether it be the tobacco control or dental programs. It's going to be essentially risky and chancy to see if any of those get supported.

The question I had, though, is in regard to section 67. It has been your experience in the past that the combined role for the medical officer of health as the chief position and also the chief executive of the district health unit has worked quite well.

Ms Rae: Yes.

Mr Colle: You strongly feel, as it has worked well, that if they now separate this out and basically take that administrative authority away from that position in every community, that's going to weaken the voice for health in that community by taking that administrative hat away from that person.

Ms Rae: Yes.

Mr Colle: You feel this is a regressive step by doing this?

Ms Rae: We certainly believe there are some administrative services that can be shared — I'm talking about payroll and that type of thing — but I think the actual main policy decisions should remain with the medical officer of health.

Mr Colle: To give him or her a stronger voice.

Ms Rae: Yes.

The Chair: Thank you, Ms Rae.

KENT-CHATHAM HEALTH UNIT

The Chair: The next presenter is Wayne Everett, medical officer of health for the Kent-Chatham Health Unit.

Dr Wayne Everett: Thank you for this opportunity.

The Chair: Thank you for coming. You have 15 minutes to make your presentation.

Dr Everett: My wife is on a picket line today. The other setback is that I have a very tiny pond by my back porch, and a muskrat is in there and has managed to eat all my little goldfish that I was going to put inside for the winter. So anybody who needs a pet muskrat, let me know by the end of the day; otherwise, I don't think it has a long future.

The Chair: I'll check with the members of the committee to see if we have any.

Dr Everett: Mr Chairman and members of the committee, I thank you for the opportunity to appear before the standing committee on Bill 152. My presentation will limit itself to issues related to Bill 152, schedule D, in reference to the proposed amendments to the Health Protection and Promotion Act.

I've been the executive officer and medical officer of health since 1983 of the Kent-Chatham board of health. I graduated in medicine here in London in the early 1970s,

and originally practised as a family physician in northern Ontario and rural BC. Like many in public health, I became very interested in the broader issues related to health in the future.

When I committed to public health administration, I completed the required four-year fellowship training and a master's of science in health care planning, epidemiology, at UBC, in order to do the work today. I can tell you that in the early 1980s the revisions to the century-old Public Health Act in Ontario and the new initiatives that it implied were strong incentives for me to return to Ontario to pursue a career in public health in my wife's original home area of Chatham.

Provincial standards: I believe the 1983 Health Protection and Promotion Act has made a significant improvement in modernizing, standardizing and strengthening a significant new role for public health programs in Ontario health care until today. If some of the proposed specific legislation changes are approved as they remain right now, I believe that Ontario will not only see the fragmentation to less than minimum, but will also lose many well-trained people out of the province and out of public health.

As a result of those 1983 act revisions, new provincial mandatory program guidelines and provincial funding initiatives, Ontario has been able to achieve a notable benchmark in North America in setting new public health standards. It has been my duty and honour to have been part of this positive era in public health in this province. In this time period, Ontario has gained many well-trained and committed public health professionals from a wide variety of disciplines. However, I address you this morning with a sincere and real concern about the proposed direction, with public health programs being downloaded to municipalities. I feel this will be especially troubling to smaller and rural Ontario and municipalities with significant financial difficulties.

The most significant event for public health in 1997 was the direction the funding of public health will now take in Ontario; that is, the reversal of the Crombie panel's recommendation on provincial funding for public health now being shifted to the municipal funding area. I recognize that this committee is not here to resolve this financial issue. However, I must say for the record that in my search of the literature, I can find few, if any, examples in Canada or the United States where such a decision has been taken in building towards integrated or improved health care systems for the population.

I would like to briefly reinforce my point here with the fact that public health remains a vital player, now and historically, in what we call universal health care in this country. Like some of you, I am old enough to know from personal memory what universal health care at the gut level means. Please believe me when I tell you that growing up in a large family in Toronto prior to the health care system of today has left indelible memories of what basic accessibility to health care means. Public health is part of that. I'll let you read the next sentence for yourself.

1030

I feel these proposed restructuring initiatives by this government have placed public health as a throwaway item, when it very much should have been integrated provincially into a universal health care system, but badly needs changing. We will now witness provision of many new services that the public demands as universal health care, like homemaker services, yet we have thrown the funding of outbreak control and the prevention of communicable diseases into the municipal arena to compete with Zambonis and road graders. This is bad health care planning and it does not use common sense. As you know, haemorrhagic *e. coli*, campylobacter, meningococcal meningitis and resistant strains of bacteria are not concerned whatsoever with where Aldborough township and Orford township meet. Two boards of health did care about that, and we got very little support on a merger that would have brought those two together in a meaningful way. It is most unfortunate that the best work public health does day to day is invisible and unnoticed by the public until there is a problem. I'd like to quote the Centers for Disease Control in its statement that says it better than I:

"In our culture today, we do not notice the 14,999,999 who are immunized every year against infectious diseases and remain healthy, but we do notice the one one-hour special on the rare vaccine-injured child out of that 15 million."

I urge you as elected officials to remember that even in wartime and depressions, public health programs were protected. I would urge this committee and the new Minister of Health and this government to seriously sit down and review the proposals from the association of public health agencies and others that do care about protecting these public health programs with provincial funding in 1998.

In a nutshell, I humbly submit, with my working experience in public health, that I do not believe the Health Protection and Promotion Act, even with the revised provisions for monitoring, without considerable financial funding for these programs, will be protected on the public's behalf.

As you know, in Chatham-Kent we are on a fast track in a commissioned municipal restructuring process for 1998. I will, for the sake of brevity now, share my experience with this process only to say that this experience has recently clearly confirmed my concerns, as expressed more ably by some of my colleagues in public health, with regard to the issues of executive authority of the medical officer of health and the role of a statutory body like a board of health as essential to ensuring the public's health in the future. If time permits in the question period, I would be pleased to pursue our recent experience with this rapidly evolving transition as it affects the act and the public health programs.

In the proposed revisions to the act, section 67(2), this local restructuring process confirms to me and the board of health that there needs to be a direct reporting relationship of the medical officer of health to a statutory board of

health and to the new council in order to retain an objective, unsuppressed and advocated role on public health concerns, program management and funding and significant issues as they affect the community — what I call a healthy arm's-length relationship between pure local economic interests and health.

We have seen locally the potential of administrative savings in this restructuring in cooperating with the municipal restructuring, but are now trying to work with the provincial government and local councils to advocate for the need to continue the board of health in this new municipality as a statutory body. This also provides us objective, non-elected representatives — hearing people speak a minute ago — of people who are on boards of health.

In order to ensure the direct reporting relationship of the medical officer of health in this new, unique municipal framework we are working on, I'd like to briefly add these comments as well on the role of the local medical officer of health. He or she brings medical and technical expertise around the clock on significant public health concerns. The role nowadays includes extensive program management and evaluation skills.

One of our local members of Parliament, Mr Jack Carroll, despite my best efforts over the last year and a half to educate him on the role, seems rather confused when he recently went on record in Hansard speaking to the idea that the medical officer of health should be out treating the sick. I just want to make a point on that, that the taxpayers also paid for four years of my training to do this work, if his concern is that I should be out treating the sick, with taxpayers' money invested in my training.

What is now needed more than ever, as our health care system comes under growing pressure to integrate and be more cost-effective, is a small but strong contingent of specialized physicians and other disciplines in health care who are properly trained to organize, manage, advocate and evaluate health promotion and health protection programs. Numerous government reports — federal and provincial — continue to recognize this shift. A letter to the Minister of Health from a member of Parliament from our area, Mr Pat Hoy, is included for you and speaks more thoughtfully to this understanding of preventive health care.

As a full-time medical officer of health from this area, I currently represent one salaried physician among almost 100 physicians who currently bill OHIP. Therefore, taken as a percentage of the public funds paid in Kent in the most recent Ministry of Health OHIP expenditures, my position as medical officer of health represents one third of one cent of every dollar spent per annum on physician care in Chatham-Kent.

Many other provinces that are further along in integrating have found significant new additional activities and roles for the skill sets that physicians trained in public health bring to that change, yet currently there is this fascination to privatize or contract out. I find this most confusing when we refer to a service that is population-based like public health. Can any of you imagine the public reaction if other statutory professional roles, like

crown attorneys or judges, were suddenly downloaded to municipalities and the only response by the municipalities would be to deal with containing their costs with contracting out, privatizing, part-timing and looking for the least-cost options? There are many assets that the role of the medical officer of health brings, especially in rural communities where we are often a primary consultant and reference point for infectious diseases, communicable disease and environmental concerns at home, on farms and in the workplace.

In summary, I remain hopeful that through the work of this committee the government will in the final revisions of the Health Protection and Promotion Act show the strong stewardship that your predecessors historically have shown in order to ensure that the public's health is not jeopardized and that these statutes are protected to maintain a healthy arm's-length relationship that will not allow for potential myriad local revisions that solve only short-term political and fiscal agendas and could in fact harm the public's health in the long term.

The Chair: Thank you, Dr Everett. Mr Carroll has one question.

Mr Carroll: Thank you, Dr Everett. I wasn't rather confused in the Legislature. I wish you had quoted the whole speech, not just one word out of it.

It was noted this morning that regions spend considerably less on public health, and regions have moved to a system where the medical officer of health is not the chief executive officer, where his job functions around the provision of public health, which we as a province and as a government believe is very important.

Can you tell me, in your experience, in those regions where we have gone to that lower-spending or more efficient system, where the medical officer of health is only responsible for health issues and the administrative issues are conducted by the regional council, are their results poorer than they are in Kent county?

Dr Everett: I think the situation is a little unique. My sense of my colleagues is that there is a considerable amount of dissatisfaction. I make the point that they accepted those positions in the situation of their hire. I guess the bottom line is that my sense, in the community that I live in and that you live in, is that with the amount of colossal change that's about to happen, I really think it's very prudent that at least in the interim, until we find out if we are going to maybe see some light down the tunnel to integrate some of these public health programs into where they should be, which is the health system, that it might be prudent to have a board of health to carry the authority through until that time.

If you're asking about the scale of economy from effort, I could spend quite a bit of time, Jack, debating that with you, as you well know. I would look for your support on a merger of two boards of health. We have led the way in this province. There was no support coming from the province.

Mr Carroll: Do the regions get worse results?

The Chair: Time's up, Mr Carroll.

Mr Colle: Thank you, Doctor, for your heartfelt presentation. I guess what you're warning us about is that it's going to be very difficult for medical officers of health or health boards to get adequate funding when a lot of the work is basically preventive and they're going to be competing for dollars that need to be spent by municipalities for fixing potholes or buying road graders, tangible hard services. Is this the main concern you have with this downloading, that it's going to go down to the lowest common denominator?

Dr Everett: I think it's the total fragmentation of what people will prioritize and the capacity for some real basic services that we count on when we eat at Tim Hortons or McDonald's anywhere in Ontario. I really do think that is what I concern myself about. I deeply concern myself about our capacity on the sheer logic of doing health promotion, which is a long-term issue, when the immediate concern next February — I've been there a long time — is going to be, how are we going to deal with all the downloading?

I've heard people talk this morning, and some of them who are as passionate as I am about where they're affected didn't even list public health. So yes, I have a real concern about how we're going to do in this new world. I'm deeply concerned about it.

Mr Marchese: Dr Everett, I congratulate you for your sincerity. It's not always easy for some people in various professions to come out and be as frank as you have been. You pointed out, "As a result of those 1983 Health Protection and Promotion Act changes, the new provincial mandatory program guidelines and provincial funding initiatives, Ontario has been able to achieve a notable benchmark in North America." I agree with that and your point that if we're going to build an integrated health system, this is not the way to go.

Dr Everett: Absolutely not.

Mr Marchese: In fact, it's quite contrary.

Dr Everett: It's pathetic.

1040

Mr Marchese: You make another point here about the fact that this was a throw-away item, and indeed I believe that to be the case. I firmly believe that a lot of Tories are very concerned about some of these measures that have been thrown in in order to make up for that education takeback. I'm convinced that if they were sincere on this particular issue, they would be very concerned about the effects this is going to have.

Dr Everett: I'd like to speak briefly to that. I really don't think anyone, when you look at health care, looks at a monopoly or some kind of KGB of control any more than the problem you're facing on the street right now, the issue of the teachers, with control centrally.

Local programming is very relevant and very important, but what I'm trying to put together here is that — I won't name people, but people in this room have told me that taking home care away, with an opportunity to have a strong community-based health service, was a mistake by this government. They have recognized that. They haven't said it publicly, but they have told us.

So we have been through a lot. I look for some real support on what you can do to at least protect public health, because I think it has been set up as dog meat, and it wasn't necessary.

The Chair: Dr Everett, on behalf of the committee, thank you very much for coming this morning.

Mr Colle: Let us know what happens to that muskrat.

Mr Marchese: Send it to Caledon. They like muskrats there.

Mr Colle: Let the Chairman know, and he'll pass it on.

NEIGHBOURHOOD LEGAL SERVICES

SUSAN EAGLE

The Chair: Susan Eagle, who was scheduled to speak at 1:30, has requested to speak with the next group, which is the Neighbourhood Legal Services, Jeffrey Schlemmer, staff lawyer. If the two groups are combining, I have no problem if you wish to take, between you, one half-hour. Good morning to you.

Mr Jeffrey Schlemmer: I don't expect to be that long, and I actually have another commitment, so I will be dashing shortly afterwards, but thank you for that.

The Chair: Okay. If the two groups are combining, you have one half-hour between you.

Mr Schlemmer: I'll start, then. I have a submission that has been distributed, and I plan to read from that and then answer any questions or deal with comments.

My name is Jeff Schlemmer. I am a lawyer in London; I practise social assistance law at Neighbourhood Legal Services. I'm also an adjunct professor of law at the University of Western Ontario, where I teach social assistance law. I'd like to focus my remarks today principally on the downloading of social services, especially social housing, as it is set out in Bill 152.

In 1986 I served on a church board of directors in town, and we were approached about building a non-profit housing community for seniors. The project was to be sponsored and operated by our church as a privately owned enterprise and funded by the government of Ontario. I recall that there was much debate at the time about whether government could be trusted down the road, if we entered into this partnership, not to shirk on its responsibility to the project if we agreed to go ahead. The need for housing at that time was great though, and we decided to go ahead, and that project was built. A neighbouring Presbyterian church also entered into an agreement and built a seniors' complex at that time. Those developments provide badly needed housing for senior citizens in the city of London, as would the more than 200 projects that were cancelled by this government when they were elected, and as I understand at present, there is no social housing under construction in Ontario, again at the direction of this government.

In 1997 the government of Ontario has announced its intention to download all of its responsibilities for social housing to Ontario's municipalities. Some say that the provincial government has finally shirked its responsibility

to private non-profit groups such as my church, who took on the partnership with the government of Ontario in good faith, and that the government has abrogated its responsibility to London's seniors by forcing the government of the city of London, against its will — as has been often expressed to the Mike Harris government, most recently in a city council resolution passed on August 5 of this year and recently endorsed by the Federation of Canadian Municipalities, opposing the forced taking on of social housing. In London, there are 6,000 such units. From my end of it, I hate being told, "I told you so," but the people who at the time expressed concerns about a long-term relationship with the province now seem to have been proven to be correct.

There has been considerable confusion about how the downloading will occur in Bill 152, and of course the section dealing with the downloading of social housing is extremely short. It doesn't provide any details whatsoever as to how the downloading is to occur other than to say it's to take effect January 1, 1998. To this point the only information I have been able to obtain is that effective January 1, 1998, the city of London will be 100% responsible for all social housing in the city of London but will have no management power in any sense with respect to that housing; in other words, they will have no say in how their money is spent. This reminds me of the taxation-without-representation or pay-with-no-say approach which led to the Boston Tea Party and the American Revolution down south.

In social housing, as in so many areas, this government seems to use as its model that the status quo is not acceptable, that there has to be change. In this case, it appears to be change for change's sake. It's constructive to go back to the reason social housing is being downloaded, particularly bearing in mind that it's hundreds of millions of dollars administration, a very complex and large administration in the province. As a law professor, when I'm looking at new legislation, I would look for what is the improvement or rationale that's expected to be realized by this change to this legislation, and one would normally expect that there had been studies done to recommend this change or that there would be models in another jurisdiction to show that this has worked somewhere else or that experience within the ministry has resulted in recommendations to the government that this would be a better way to run things.

In this case, of course, none of those things have happened. In fact, the government commissioned David Crombie a year ago to look into social housing and social services generally and make recommendations about what improvements could be made. The chair of the social services subcommittee of that committee was Grant Hopcroft, who is the deputy mayor of London. That committee reviewed all the available literature and all the experts' reports and came back, as you well know but lenders may not, and recommended doing the exact opposite of what this legislation recommends, that is, it recommended that social housing and social services should be the responsibility of the provincial government and not the municipal

government. The principal reason was that the soft funding for social services is extremely subject to fluctuation based on economic circumstances. When times get bad, those costs rise dramatically, and it was considered inappropriate to have that taxation occurring through the property tax rolls because of volatility.

The reason for this occurring, as you all know, is strictly to find money to fund the increased taxation that's occurring in relation to education, that is, that the government has decided to focus on taking more control of education and has taken on 50% of the taxation responsibility for schools, so they had to find places to find money. That's what's driving the change of social housing, and it's important for people to understand that it is that and only that.

In the city of London, it's estimated that an extra \$21 million will be spent next year by our city staff as a result of this downloading exercise, although it has also been suggested that because the province has guaranteed that it will be revenue-neutral, that if it's not neutral, then we should be withholding education taxes. We'll see how that plays out.

The other consequence of this is that it's not strictly a matter of finding money to fund the education taxes; it's also a matter of finding funding for new programs. This government has injected \$1 billion in new extra tax dollars into workfare in this province, and again, it would be anathema for them to raise taxes to pay for that program. We have a program in the city of London which is not operational yet. We don't have anybody on workfare and don't expect to for some considerable time. If it ever does occur, according to our city staff, there's no expectation that it will meaningfully reduce the welfare rolls. But, again, someone has to pay for that, and the municipal taxpayer has been targeted for that role.

We have a situation where the tail is wagging the dog, where no one has seriously suggested the downloading of social housing and welfare is a good idea in and of itself. Were it not for the province's search for services to dump to offset the education tax and tax cut, no one would be talking about downloading social housing or welfare. This is because it makes no sense, and according to everyone who has examined the new system and the old, there is no suggestion that the new system will be any more cost-effective or efficient in any way than the existing system, which of course was set up originally under the Progressive Conservative government of Premier Bill Davis.

It's not possible to discuss relative merits in relation to social housing and the consequence of having a municipality take it over nor is it possible to discuss the relative merits of having the municipality take over more welfare responsibility, because no one seriously suggests that there are any benefits. It's simply a necessary cost of enacting the province's goal of taking more control over education.

1050

We have the report of the Ontario government's advisory committee on social housing, on which John Fleming, who is the chief executive officer for the city of London, served, which again did not recommend that social hous-

ing should be taken over by the municipality but was told: "That is a done deal. We want you to make recommendations on how it can occur." Again, it would seem like a matter of putting the cart before the horse, to hire the experts after the decision has been made. It would have been much more useful to hire them first and get their recommendations about what should happen around social housing rather than saying: "It's a done deal. We don't want to hear your advice about that."

The committee's key recommendation, however, was that if the municipalities are going to be paying 100% of the cost of social housing, they have to have a say in how it is operated — "say for pay" is the buzz phrase they used. The result of that, if enacted, will be that it will take 54 regional housing delivery sites right now and decentralize those down so that every municipality in the province will have its own housing office. This is in stark contrast to the direction the government has taken with respect to most of its other initiatives, that is, to centralize services. For instance, in relation to school boards, we have seen a substantial centralization, a reduction in the number of school boards. We saw the same thing for the family support plan, where all the regional offices were closed in order to centralize the gathering of child support in Ontario in Toronto. We have seen the debacle that caused and continues to cause, and I can tell you that on a daily basis we hear from people who are still having serious problems getting their child support from the new centralized office.

A Tory friend of mine had explained to me and said, "In the business of debt collection, you can't collect debt remotely; you have to be where the debtor is or it's just not going to work." But we have this direction from the government to centralize wherever possible and reduce the number of local offices, and yet in the area of social housing now, we're talking about closing all the regional offices and setting up a whole bunch of municipal offices, way more than what we have right now. Again, it's difficult to understand the rationale behind that.

We're driven back to the fact that this is occurring to get money for education; it's not occurring because of any perceived benefit to those in social housing or those who deliver social housing or those many non-profit private organizations — they're private organizations; they're not government — who deliver social housing in the city of London. Again, we have the Crombie committee having said: "It's a bad idea. Don't do it. Social housing should be a provincial responsibility and not a municipal responsibility."

I can't go into much detail about the legislation, because of course at this point the legislation consists of only a couple of pages — the meat of it may be in the regulations at some point when those are released — but from the standpoint of the city of London, we have said loud and clear from the start that we don't want social housing municipally. We agree with all the experts, including your own experts, who have said it should not be municipally driven; it should be operated by the province.

I don't propose to go into details about some of the effects of the downloading except to say that in London, of course, we've gone through substantial reductions in transfer payments from the province over the last couple years. I've been involved in the budget process and I've seen where we've cut our services to the bone in a variety of ways in the city of London today. For instance, if you're a tenant, it's virtually impossible to get housing standards adhered to. There's just no staff left to do it. We have cut down to the bone at this point, and to come in and say that we're going to take on all these additional responsibilities — and we're expected to identify I believe 2% further savings to fund these responsibilities — is simply not practical and not something that Londoners want.

I don't plan to spend time on some of the other areas affected by Bill 152, because my expertise is in the area of social assistance, but needless to say, to conclude, we're about to undertake a massive game of musical chairs here at a substantial cost. We're turning a system which administers billions of dollars each year on its ear for no reason that anybody can identify as being related to bettering that service. It's strictly to get money for education.

In and of itself, according to everyone, including the Crombie committee, the government's experts, the download makes no sense and will, after massive transition costs, leave us with a system more costly and less effective than we have now.

Can the existing system be improved? Yes, of course it can be improved, and the recommendations of the committee that has advised the government in a variety of ways about merging some of the existing organizations involved in service delivery are excellent recommendations, but they're in no way tied to municipal downloading. You can do all those things without downloading to the municipalities, and those recommendations should be implemented.

The city of London is on record as saying it opposes the downloading of social housing to the municipality. It should not be imposed as the dog which wags the tail of other government initiatives, such as taking over more control of education. If the downloading of social services in and of itself is not a good idea, if it can't stand on its own, it should not occur. To lightly enact changes, contrary to the advice of all, for a multibillion-dollar administration system solely to find dollars to fight education battles will cost Ontarians many millions of dollars in transition costs and leave us with a social services system which is less efficient and far more costly than the system we have right now, and this is a system that has been crafted, as I say, over the last 30 years, largely by Progressive Conservative governments.

In conclusion, as you may have gathered, our submission is that social services should not be downloaded to municipalities. Thank you.

Rev Susan Eagle: I want to add a few comments to those that Jeff has made. I'm substantially in agreement with the presentation he made, which is why we're sharing the time, so there's no need to reiterate all that he has said.

My name is Susan Eagle; I'm a United Church minister. I work in two congregations in this city, but I also work as a community outreach worker. It's in the capacity of being out in the community and seeing some of the needs around housing and other services that I wish to speak to you today.

I might mention too that currently I am chair of the city's housing advisory committee and I also serve on the board of the London-Middlesex Housing Authority, so I have exposure to housing needs not only from the perspective of being a community worker, but sitting in meetings where we try to discuss policy and look at impact and do some long-term planning.

A couple of years ago I was working with a community group which put in a proposal to develop co-op housing here in the city. We had been granted allocation. We in fact had received upfront funding from the government, which was a loan that was to be repaid when we got the mortgage. We were about to start construction on that housing. That was two years ago, and it was at that point that this government cancelled the housing project. That meant we were unable to repay the upfront money that had been provided by the government, because it had to be repaid out of the mortgage. That happened to every other housing project across this city and this province that had been granted money which they, of course, were unable to pay because they weren't able to get their mortgages with that cancellation. I say that because I don't think people were really aware of how much money was lost at that time with the government doing a pre-emptive strike on co-op and non-profit housing projects in the way it did.

A greater concern for me was also the people who lost out on that project. I was working with large families who needed large units. We had worked for two years to look at needs in this city and discovered that there were not large units available for extended families and others who needed housing. Those people are still here. They still need the housing. Some of them have gone on to waiting lists for public housing. The public housing list has I think almost doubled in the last couple of years. Co-ops and non-profits indicate that they have increased waiting lists. As well, being a community worker, I have seen situations where families have doubled up, because that's the only way that they are able to survive, or they have taken family members in, so that we are putting a lot of stress on the existing housing by having more than the number of people that should live in those units living there. As well, the 21.6% cutback that happened two years ago now meant that many families weren't able to afford the housing they had, and they had to, using fewer dollars, move into lower-quality housing. That is also an issue for us out in the community.

At the same time, we have had a cutback in the number of staff people for the city to do bylaw enforcement. I personally have been involved in a fight in the last year to maintain some of the standards. Not only have we had a cut in officers, but there have also been some changes in the standards that are to be enforced, for example, taking away screens on windows and saying that no longer would

that be something that had to be enforced. That now is back in the bylaw, but it's that kind of a day-to-day struggle that's going on in the city to maintain standards. Whether we have people to enforce those standards will be the other issue.

1100

It's in that context and against that backdrop of housing needs in the city that I look at a proposal now by this government to unload social housing on to municipalities. I'm a candidate right now for the municipal election, and all potential candidates were invited to a meeting a couple of weeks ago to look at the impact of what the downloading was going to mean for this city. At that point, staff were estimating about a \$25-million debt was going to be incurred. Again, from the perspective of social housing, when there are a whole lot of issues, when we're looking at a debt, how is social housing going to fare in that context, I think it's pretty obvious that social housing is going to be in trouble.

There are a couple of other concerns I would like to raise. Where in the legislation is there any guarantee that social housing must be provided? It's one concern to talk about maintaining existing social housing and paying the cost of existing housing, but where is there indication that municipalities have to do proper assessment, that there will be any body that will help look at the need for affordable housing, the need for social housing, and then implement it? Will it be the same people who are being asked to fund it with possibly a deficit budget which municipalities cannot incur? I think it makes it an absolutely untenable position for municipalities to be in.

Tomorrow our housing advisory committee is holding a meeting to which we have invited some of our community partners to meet with us as we try to understand what the downloading of social housing is going to mean, but at this point there has been so little information that has come to us from the province that it is very, very difficult for us to get a picture of what that's going to mean, how it's going to be enforced etc. So I have questions for you today, and I'm hoping we might get some answers and not only have you ask questions of us.

The Chair: Each caucus has about three minutes.

Mr Sergio: Thanks to both of you for coming down to make a presentation to the committee.

Ms Eagle, you mentioned that the waiting list has doubled. What are the figures?

Ms Eagle: I'm sorry, I didn't look up the numbers before I came in today. I actually only found out about this hearing last week, so there wasn't time to do numbers, but we can certainly get those numbers to you, hopefully even before the end of today.

Mr Schlemmer: The wait for social housing in London right now is about two years.

Ms Eagle: Yes. There's a time length for people waiting, as well as numbers.

Mr Sergio: It's going to get longer. The minister says he wants out of the housing business, so there are no more units coming up.

The 6,000 units, how old is this stock?

Mr Schlemmer: About 4,000 units were built before 1972 when the government owned the stock. The remaining units are non-profit housing that was built principally in the 1980s. That's the new housing that is owned by non-profit private corporations and cooperatives.

Mr Sergio: My question is to you now, Mr Schlemmer. You have \$21 million more here in London because of the downloading and you have the transfer cuts from the provincial government as well. How is the city going to manage to maintain the existing services?

Mr Schlemmer: I served as vice-chair of the police board in the last budget round, and we know the police board has asked for a 3.5% increase this year over their existing funding. Typically what we'll find is there will be a political fight about where the money should be spent, and historically, I think it's pretty reasonable to say that the money will not be spent on social housing.

Over the last several years, we have cut a property standards bylaw enforcement officer in several years to try to find money. Last year in the budget process, there was a debate in the city of London about cockroaches. The city wanted to change its rules to say that cockroaches were no longer a health issue, because they couldn't afford to enforce it. They said that they wanted to redesignate cockroaches as an inconvenience rather than a health issue. The medical officer of health had something to say about that and said they're a serious health problem in this city.

Mr Sergio: That was my next question. You did dwell quite a bit on the housing issue. However, Bill 152 encompasses a very large area, especially when it comes to health-related issues, inspection, assessment and stuff like that, which are major health issues. I was wondering, as you were saying that they have to decide where the money is going to come from and where they're going to apply that money first. You haven't touched evidently on the health-related issue, but what do you think is the responsibility of elected people here in London when it comes to health-related issues? What's going to come first, the cockroaches, social housing, other social services or the health-related issues?

Mr Schlemmer: I'm afraid that public health issues will not be high on the agenda. We've seen over the years that the sphere of public health enforcement is already under substantial pressure. We see that the crown attorneys, for instance, feel too pressured by their own time pressures to prosecute offenders in relation to environmental and health offences. That trend, I'm sure, will continue. It's certainly not going to get any better.

Ms Eagle: May we add to that there is going to be increased pressure on health needs because, as you have more hungry children, as you have people living in poorer housing, you also have an increased need for health services.

Mr Marchese: I want to thank you both for the presentation. You both raised issues of concern to me in housing, particularly Mr Schlemmer. Thank you for identifying the contradictions of this government. Where it suits them, they will defend centralizing certain things; and where it doesn't suit them, they will defend decen-

tralizing certain services. They don't seem to be bothered very much by those contradictions, but that's another matter.

Mr Schlemmer, you talked about the fact that it's rather problematic to shift the costs of essential social services down to the municipal taxpayer, to the property owner and to the tenant, because they forget that tenants pay too. So the tenants will be saddled with a lot of these costs down the line.

Rev Eagle, you asked some questions about housing. My concern is similar to yours. With the federal government out of the housing sector — because they want to get out of the field; they're signing deals with provinces — and with the provincial government out of the field — because under the rent control that we debated, these people want to get out of that field — if they're not building, neither level is providing sources of funding, the municipality will be cash-strapped, and the private sector is not building, because they don't make any money building for low-cost housing, what are we faced with?

Ms Eagle: I know that when we did the study for the large families, it was Cambodian families in the east end of London, we discovered there was no profit for the private housing industry in building the large units for poor families; there just was no money to be made there. That was part of the rationale for social housing.

In terms of dumping it off on to property taxes, that's the wrong place to be providing social services. That case has been made, as Jeff said, not only by people who are concerned about the issues but by the government's own studies and consultants.

One of the largest issues for us is: Who finally picks up the tab? I know from my work in the community, but it's a long-understood piece of knowledge, that housing is something that has to be a stable necessity for people to have any kind of quality of life. You don't have health, you don't have proper education, it's hard to hold down a job, it's hard to be a member of the mainstream of any community, it's hard to be a productive member of the community if you don't have some kind of stable housing, where you go home at night, where kids stay, where it's clean, where it's safe, where it's warm.

For the government to say that it wants to get out of the housing business, first of all, I just think it's a stupid thing to say, but it's wrong. It's wrong, and it's an unethical kind of thing for them to do. I'm very, very concerned that they'd attack something that's so necessary, especially in the Canadian climate that we have.

Mr Gilchrist: Thank you both for coming before us here today. Mr Marchese mentioned contradictions; there are certainly plenty of those in your submission here. Let me start off. I'm sure you did not do it intentionally, so I'll correct your impression. Mr Crombie never once considered social housing. His committee did not consider social housing. His committee made no recommendation.

Mr Schlemmer: But Hopcroft did.

Mr Gilchrist: His committee is what you allude to in your report.

Mr Schlemmer: Mr Hopcroft chaired the social services —

Mr Gilchrist: Mr Hopcroft, as a member of that committee, took no position on social housing, period.

Mr Schlemmer: That's not what he told me.

Mr Gilchrist: Well, that's what he told the public in their report.

Mr Schlemmer: Fair enough.

Mr Gilchrist: Secondly, you paint a doom and gloom picture of public health. I find it incredibly ironic. We have someone sitting here as a candidate for the election who I guess is telling us that, if elected, they'll make public health a low priority, will not give deference to the social housing needs in this community, will not respect property standards. I'm intrigued by what your platform is.

1110

Ms Eagle: No, sir, I didn't say any of those things.

Mr Gilchrist: You certainly did. First off, you suggest that somehow Who Does What puts a new cost pressure on London. Let me say to you again, like we've been saying since February, when the bill was first talked about, if \$21 million is the net imbalance on January 1, the province writes a cheque; it's revenue-neutral.

Mr Schlemmer: For one year.

Mr Gilchrist: Permanently.

Mr Schlemmer: That's not the legislation I've heard about.

Mr Gilchrist: Then maybe you should be paying closer attention, sir. I'm very disappointed that somebody charged with education —

Ms Eagle: So we can assume, sir, that you are on the record, as a government, saying that you will cover any shortfalls?

Mr Gilchrist: We've been saying that since February.

The Chair: Ladies and gentlemen, you're going to have to start directing things through the Chair if we're going to get into a debate.

Mr Gilchrist: I was making a comment, and I'd be more than happy to invite their response when I'm done.

The Chair: Well, please make your point, and then we'll see if there's a response.

Mr Gilchrist: It's revenue-neutral. There is nothing in this bill that adds one penny of tax to anyone in London.

Implicit also in your comments is a belief that education is not a social service. Given that the province is taking \$2.5 billion of education off, we're transferring \$1.3 billion in hard services, \$1.7 billion in social services but then creating a permanent \$570-million fund to deal with the imbalances, which by the way is almost \$100 million more than the negative tradeoff, all the communities that came out on the worse side of the balance, and that's permanent, I really would invite your response as to, if there is nothing in this bill that adds one cent of tax to the taxpayers in London, why you, if you're elected as a candidate, would not be able to manage the resources of the city to deal with all of these social issues, given that there has not been one penny in additional cost over and above what the city of London currently pays.

Ms Eagle: Maybe I can respond. First of all, sir, I would like a correction on the record that not once have I said that I would see social housing or health as low priorities. My concern was that there would be a lot of pressure to make them low priorities in an economy where we were looking at more needs than money to pay for them.

I'm also very pleased to hear you publicly and so passionately asserting that there won't be one extra cent for London taxpayers. I am certainly going to make that publicly known, and I'm very pleased to hear that. We had heard that there were going to be some strings attached in order to get that money to make it revenue-neutral, so I'm pleased to hear that you are just arbitrarily asserting that there won't be one extra cent.

If elected to council, I will certainly be forwarding a lot of requests for social housing to be built in this city and for the cost to be transferred on to the provincial government. I'm very pleased to hear you say that.

The Chair: Thank you very much, Rev Eagle. Unfortunately, the time has expired. We've given you over half an hour for your presentation. We thank both of you for coming.

The next presenter is Wanda Lewis. Ms Lewis? If Ms Lewis is not here, the next presenter is the county of Oxford. They have requested the 1:30 spot this afternoon. The next presenter after that is Bill Armstrong, who is a councillor. He has contacted the clerk and has indicated that he's unable to attend. So we're having some trouble. We have two other delegations left this morning. I'll call either of them; if not, we'll have a brief recess.

SOUTH WESTERN ONTARIO CO-OPERATIVE HOUSING FEDERATION

The Chair: The South Western Ontario Co-operative Housing Federation? Thanks for coming a little early. As you have heard, we're giving each delegation 15 minutes to make their presentation. Thank you for coming.

Ms Laurie Procop: Before I speak this morning, the member at large, Mr Bob Sexsmith, is with me this morning. He will be speaking to the issues first.

Mr Bob Sexsmith: I have submitted just one copy of my presentation. I had a breakdown in photocopying this morning as well. I was able to give the clerk a copy of my presentation.

The Chair: I understand it's being photocopied by the hotel.

Mr Sexsmith: I made references to ambulance services, to the Building Code Act, to day nurseries and public health, but I wanted to concentrate my remarks this morning on social housing. I want to address you from the perspective of the federal cooperative housing programs; the concerns about the provincial programs will come from Laurie.

Co-op housing is owned and managed on a non-profit, democratic basis by the people who live there. Members vote on a variety of important decisions, including the setting of housing charge to cover costs. Members must

maintain their own units and can stay as long as they wish, provided they respect the obligations of membership.

It is our opinion that social housing, and particularly co-op housing, is the example the provincial government statements have about self-sufficiency and responsibility. The members of the co-ops in London have chosen to live in a co-op because of the philosophy, plus the long-term security of tenure. In my own case, it has been 25 years, so I do understand the lifestyle. We agree to participate in work to our abilities, whoever is there, to make them work.

Successive governments have made changes to the administration of co-ops and have increased the compliance rules to satisfy accountability requirements. The problem is not that co-ops are not accountable but the terms and conditions presumed as needed to be accountable. To evaluate co-ops in only financial terms is unacceptable.

We are an incorporated business, just as any other incorporated business. As such, we have contracts, or mortgages, we have agreements, which is the RGI subsidy, that set out the terms and conditions to be satisfied. We are not unlike any other owner of rental property except that we are incorporated as a non-profit business.

In London, we contribute over \$10 million in property taxes plus utility bills, including the water surcharge, which almost doubles our water bills. By focusing only on the RGI component of our housing, you deny all those who pay market rates to live in a co-op. Federal co-ops have agreements to provide only 25% of their total units for RGI. Some co-ops have provided units for physically challenged members and have modified other units with limited changes to allow members to continue living in a co-op. To transfer these units to the Ministry of Health is a serious concern and will be an administrative problem. As well, there is concern about the plans to integrate some aspects with the Ministry of Community and Social Services. The implication of this reform has a direct impact on our incorporated status, which in turn will have a serious legal impact.

Given the concern of AMO and the large urban mayors about sending municipalities a bill for social housing and all that entails, why would the government move forward on January 1 with the financial impact studies not having been done or released?

I have one quick question. Throughout Bill 152, the government has ensured that services will continue, and they have also ensured that there is a compliance mechanism that if a municipality does not continue social housing, the RGI component, there are remedies. Why was there no protection given to the social housing sector, as has been given to land ambulances, to building code inspections and others? There are no remedies if there is non-compliance by a municipality. I would really like the committee to come back with some comments on that. I'll let Laurie speak.

1120

Ms Procop: I have the requested 25 copies of my deputation for the committee. By way of introduction, my name is Laurie Procop. I am the president of the South

Western Ontario Co-Operative Housing Federation, which represents 17 member housing cooperatives in the area. These cooperatives are operated under federal, federal-provincial and provincial programs. As well, I am the president of Windy Woods Co-Operative Homes of London, a multi-use cooperative of 120 units.

Concerns surround not only Bill 152, which for the most part entails the housekeeping issues around downloading, but also downloading of social housing itself to the municipalities. By definition, the ministry includes in the definition of "social housing" cooperatives, non-profits and public housing. To lump these three distinct areas of housing together indicates an abysmal ignorance of the true nature of cooperatives. Cooperatives are corporate entities which have existing binding agreements which we expect municipalities to honour and recognize. In this instance, the municipality will be handed costs for subsidies and costs of administering housing programs, costs which the province currently pays. In addition to the direct costs, huge hidden costs will be dumped on local taxpayers, who will be unable to sustain the burden.

In a news release dated October 20, 1997, from the Ministry of Municipal Affairs and Housing entitled "Leach Accepts Social Housing Recommendations," the following statement was made: "Social housing will be provided locally, and integrated with welfare and health services delivery at the community level to make the entire system work better."

Downloading social housing to dozens of municipalities will lead to more bureaucracy, not the streamlined administration the province wants. Costs for the programs will in turn rise. The municipal tax base cannot cover the cost of social housing. Subsidies needed by the most vulnerable — low-income earners, single parents, the elderly and the handicapped — will be put at risk as municipal politicians look for ways to cover the direct and hidden costs. Higher rents for poor households means less money for food. Everyone deserves and has a right to a place to call home, but under these conditions, the circumstances become next to impossible. Is it not the responsibility of government to ensure the equal rights of all?

As members of cooperatives, we are afraid that the funds required to maintain and run our projects will dwindle and put us all in jeopardy. A municipal taxpayer — our cooperative is one as well — is only able to provide a certain tax base. When the well is dry, who will suffer? We, as well as our sector organizations, my federation and the Cooperative Housing Federation of Canada, recognize that there is a definite need for a general overhaul and reform of housing programs both federally and provincially. CHF, our national organization, has presented a plan to assist in these reforms. However, our approach is more collaborative in comparison with the province, which appears to be going too far, too fast. Change and reform is required, but those of us who are stakeholders need to be a part of that process.

The city of London, the Association of Municipalities of Ontario and the large urban mayors' caucus of Ontario are all opposed to the downloading due to the many un-

knowns and in particular the costs to municipalities. Housing cooperatives across the province and across the country are opposed to downloading to municipalities. For your reference, I have attached to my deputation today a document entitled "Ten Good Reasons to Oppose the Downloading of Social Housing to the Municipalities," prepared by the Cooperative Housing Federation of Canada.

Taking into consideration all the questions, the opposition, the concerns and the negativity surrounding and relating to Bill 152 and the downloading of social housing to the municipalities, is there wisdom in forging ahead without the support of the stakeholders? Thank you for your time and your attention this morning.

The Chair: Thank you very much. We have time for questions.

Mr Marchese: Thank you for the presentation. I used to live in a housing cooperative a long time ago for two years. I'm quite familiar with the philosophy of housing co-ops, and I'm a strong supporter of them.

I have a few questions. Are you aware of any jurisdiction in the world which has had the responsibility of managing the housing portfolio?

Mr Sexsmith: No.

Ms Procop: No.

Mr Charles Pickersgill: The cooperative housing portfolio?

The Chair: Sir, could you identify who you are, please. We have to have who you are for the record.

Mr Pickersgill: My name is Charles Pickersgill. I'm part of the deputation here. I live in a housing cooperative in Stratford, Ontario. I've been a member of the board and of the cooperative for the past eight and a half years. I'm a senior citizen, and I'm very concerned about this. I'm here to support Laurie.

Mr Marchese: I wasn't aware of any other jurisdiction either; there might be, and certainly if the Tory members have it, I'd like to see it. But in my view, to hand down the responsibility for all housing to the municipality is wrong, unethical. It's not just going too fast and too far, it's going in the wrong direction.

I have another question.

Mr Marchese: They wanted to do some studies. Remember the independent study? They haven't produced that yet. Do you think they should hold off on giving us that study before they decide to download?

Ms Procop: No, sir. We need that information in order to proceed. The municipality has so many questions. As in all the other changes the Tory government wishes to make, there are many more questions than there are answers.

Mr Gilchrist: I appreciate your presentation. Let me just again reassure you that there's nothing in this bill that gives rise to any of the concerns you're listing here. First off, on January 1 all that changes is that municipalities pay the province the pro rata share of the cost of housing. Nothing changes. No contract is changed; no guarantee is changed; no funding arrangement is changed. The municipalities pick up the tab. So that doesn't change.

You even comment yourself in your own presentation that there is a collaborative approach being taken by the housing federation. We've recognized that, and we've set a goal of the middle of next year to have developed, in concert with the various stakeholders, the realignment, which will be in your best interests, because I think you would agree with me that right now there is such a myriad of programs out there that it's very confusing. Across what you generalize as calling "co-op" there are six different programs, depending on what year your building was built. We believe that by negotiation, not by edict, we can rationalize that down hopefully to two or three programs and make it a lot easier.

But at the end of the day, not in this bill and not ever is the province walking away from its guarantees or from the contracts. I say with the greatest respect that while others are fearmongering around here, on all the issues, we're the ones who have restored \$173 million, the reserves of the co-op housing projects across this province that they took away. Your security is \$173 million more guaranteed today than it was before we brought out this funding proposal. I don't understand why you would not see that as a dramatic step forward for every co-op housing project in this province.

Mr Sexsmith: There are two answers to that; there are two separate parts. The federal programs that have not yet been transferred from the federal government are administered by a mortgage agreement and an RGI. To administer your provincial programs, you need two binders two and a half inches thick in order to follow all the compliance rules. For one thing, as an administrative point, it's ludicrous to go into that modified merger and harmonization of all these programs, because the level of RGI component and the level of market units in there is not the same in every co-op. So there's a major administrative problem in there.

What you are going to do if you force us, under the Ministry of Health and the Ministry of Social Services, with the access plan, to go only with those most in need, we will lose all of those at the market rate. We will not have the secure funding we need, because even with the money you're saying was returned from the capital reserves, that was only money that was deferred as a budgetary item within our financial statements. It was money we had already paid or were about to pay that is just being returned to us. We had to use that money in that interim period in order to continue our operation. That's going to create some very serious complications for us, because now we have to restore that money and we have to use all that deferred maintenance, and our costs have gone up significantly from the deferred period of time.

Mr Gilchrist: But we've restored the \$173 million. You don't have to pay that.

The Chair: Mr Gilchrist, we'll have to move on to Mr Sergio.

Mr Sergio: Thanks for coming down and making a presentation to our committee. I don't know if you heard before, when the parliamentary assistant said, "If you're

short \$21 million, the province will write a cheque, so you don't have to worry about it."

1130

Mr Sexsmith: I was pleased to hear that one too.

Mr Sergio: I would say you should be worrying. Not only are you speaking for 17 co-ops plus your 120 units, but there are the other 6,000 units of social housing.

Mr Sexsmith: That actually breaks down into 8,000 units of social housing in London. There's the non-profit, the co-op and London Housing, which is OHC.

Mr Sergio: So we have 8,000 units, not 6,000, and I have heard that the 6,000 units are from the 1970s, and I'm sure they have to be maintained in liveable conditions. But housing is only one aspect. I can appreciate that you're here to voice your concern, but what about the rest that the municipality has to be concerned about? I go back to health issues, because it's a huge problem. I think we are missing the point with respect to health. We are dealing not only with making sure that the inspectors go to see the small coffeeshop down the street; we are dealing with sewage and water treatment and septic tanks and stuff like that. It encompasses the whole thing.

With the downloading and the cuts, where are London, your municipalities, going to apply those resources? Or taxes will have to go through the roof. So what's it going to be: health, housing, non-profit housing?

Mr Sexsmith: One of the main things we have talked about, and I made the comment in my presentation, that there is no guarantee that the transfer of federal moneys coming into the federal-provincial programs or the federal co-op will actually be transferred to the municipalities for that. There is no guarantee in this legislation. That's why I asked that, as with the land ambulances or with the Ministry of Health, there is a procedure to ascertain that the service level is not dropping. They made no such protection in the social housing legislation. If a municipality decides they do not want to allow the capital reserves for future maintenance to be there at the same level as the provincial government did when they stopped that payment, we could lose that but we would not get it returned from the municipal government. If the municipal government gets involved in social services and public health as well, we could see our units for the physically challenged being transferred to a different ministry. It might be a budgetary thing at the municipal level that could really impact on our providing of that housing, plus the loss of any future housing that we wanted to keep going. Without a total provincial policy on housing, it's very difficult to establish any norms across the province for social housing.

The Chair: Thank you very much, all of you, for coming and making your comments to us.

I'm going to call Wanda Lewis. Has she come? Perhaps she was unable to attend this morning.

COUNTY OF MIDDLESEX
AMBULANCE SERVICE PROVIDERS

The Chair: That means the final presenters this morning are Mac Gilpin and Randy Denning, who are with the county of Middlesex ambulance service providers. I called two names and five people appeared, so you're all going to have to identify who you are.

Mr Mac Gilpin: Good morning, Mr Chairman and committee members. My name is Mac Gilpin. I'm an ambulance operator who operates a number of ambulance services in the towns of Forest, Petrolia and Bothwell, as well as the villages of Glencoe and Watford. With me this morning are Robert Duffield, from Thames Valley Ambulance, London, Michael Wraith, from Lucan Ambulance, Randy Denning, from Strathroy Ambulance, and George Elliott, from Parkhill Ambulance.

Thank you for the opportunity to speak today. My friend Randy Denning will be speaking as well. We wish to focus specifically on the changes to the Ambulance Act, of extreme importance to us as private operators. The five operators here today represent all the providers of ambulance service in the city of London and Middlesex county. Middlesex county is unique in that all providers of ambulance service are private operators. As this committee is aware, ambulance service in Ontario is provided by private operators, hospitals, municipalities and volunteer organizations. The five operators here today represent approximately 10% of the private operators in the province of Ontario.

The downloading from provincial to municipal responsibility for funding land ambulance needs further consultation with service providers. We believe the system that was in place was the most cost-efficient system possible, with minor flaws, and call on the government to reconsider this decision. The inclusion of land ambulance in Bill 152 and its downloading to municipal funding came with no warning. As we understand it, there was no consultation with the service providers in terms of the effect it may have on our businesses. It was our understanding that the Crombie commission did not recommend that land ambulance be downloaded to municipalities. Therefore, the revisions to the act contained in Bill 152 were a complete surprise to the service providers, considering there had been no consultation with us whatsoever.

Finally, we as members of the provincial associations agree with the position paper put forward by the OAOA and the ASAO. We understand you were provided with a copy of the position paper this morning.

Mr Denning will now speak of his background and ownership regarding the private ambulance industry and businesses.

Mr Randy Denning: My name is Randy Denning, as Mr Gilpin informed you. I'm the operator of Denning Bros Ambulance Service in Strathroy. I'm the third generation of ambulance service providers, and very much hope that the tradition of offering this first-rate service to our community can continue. My grandfather and his brother began the business in 1925, in conjunction with two other

businesses. The ambulance service has existed and stood the test of time for over 70 years, and we're concerned that Bill 152 may end this business.

I have dedicated years of service to the provision of emergency medical service, both as an employer and a full-time paramedic for over 25 years. As many other operators have with their businesses, I have over the years attended meetings, provided countless tours for school children, gone to exhibits and fairs, fund-raisers, provided training of volunteers and countless other events. I have involved myself in several community aspects: the BIA, the cemetery commission, the hospital board, finance committees with the government, CPR, HeartSave Strathroy, and many others. I have every desire to continue as the EMS operator in the Strathroy area and am determined to do everything possible to allow this. I hope this committee can see fit to aid the independent operators of Ontario, who have given so much to their communities in the past and only wish for a fair chance to continue in the future.

I chose early in life to be involved in the ambulance service and have dedicated much to its development and what is presently in place for the citizens of Ontario. Bill 152 may effectively take away any footing I have had in continuing into the future. By taking away the operators' compensation in sections 5 and 6, the door is effectively being slammed on my future. Not only is the compensation to buy out the operator removed, but the foot in the door by means of reimbursement will be gone that would reimburse the operator and give municipalities reason for second thought in replacing an existing operator. If operators are not doing a proper job or a municipality is determined to replace him or her, the going rate to compensate or reimburse this operator is not that large a sum, yet the operator at least gets a fair buyout for what he has put into his purchase. I would simply like the luxury of having returned to me a fair amount to compensate for what I have paid to operate. If the upper-tier municipality chooses to have me continue, this would not be required. If the municipality chooses someone else, it would be a simple matter of compensating the operator for his service.

The formula for this is of long standing and has been used countless times in the marketplace by purchasers, including operators and the Ontario government. This is not only the fair thing to do, but most of all it is the right thing to do.

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Finally, I am very concerned about many of the changes, as they will take apart an absolutely first-rate, efficient system and replace it with possibly 49 various types of systems that may or may not be first-rate, depending on the municipality's willingness and ability to fund. We will very soon find countless problems with having 49 new boundaries throughout the province of Ontario. The vehicles in my service cross those boundaries to assist other areas every day of the week; this will cause numerous problems in the future. The concept of a provincially funded system was not perfect, but it had

great advantages over what is being put forward in Bill 152.

In Mr Crombie's Who Does What panel, it was not recommended that ambulance service funding be moved to the municipality. I liked operating with the provincial system and, if given the chance, would like to operate in the municipal system. Please allow me the opportunity by not taking away our right to compensation.

Mr Gilpin: The proposed legislation contained in Bill 152 concerning changes to the Ambulance Act has serious implications for the private ambulance operator. Repealing sections 5 and 6 of the Ambulance Act in Bill 152 makes the value of the private ambulance licence worthless as of December 31, 1999. The proposed two-year protection period only serves to prolong the inevitable expropriation of the ambulance licence without any compensation.

Ambulance licences of the private operators have been sold and purchased for over 25 years. It is our understanding that the Ministry of Health has participated in the purchase of ambulance licences and has recognized the value of the licence. The purchase of ambulance licences has followed an industry-established value system that is based upon management compensation and call volume.

The issue of residual employer-employee liability and responsibility for long-term leases must be addressed. The proposed legislation does not address either of these important issues. The government must realize that under the proposed legislation, whether an upper-tier municipality becomes the provider or awards an RFP to someone other than the current operator, any and all closeout costs, including severance, service arrangements and long-term leases, are not the responsibility of the operator but rather of changing the system.

Operators like myself will face certain bankruptcy if these costs are not recognized. The Ministry of Health's explanation of the sunset clause in recent correspondence is simply not true. I have personally constructed three ambulance bases that were approved for location, square footage requirements and lease amounts, and not once did any ministry representative mention the sunset clause when the lease documents were presented for final funding purposes.

Thank you, Mr Chairman, for allowing us the opportunity to speak to you today.

The Chair: Thank you very much. Each caucus has a little under two minutes.

Mr Carroll: Thank you, gentlemen. I appreciate your being here this morning. You state on page 1, "We believe that the system in place was the most cost-efficient system possible." If you believe that, why are you so concerned about being asked to compete?

Mr Denning: I don't think we're concerned about competing; we can compete. We have put many years of time and effort into our operations and in many cases a lot of money up front, and for the compensation issue, it should be realized that we put in so much more than just the money. Our time, as independent businesses, has gone on for many years, and we're concerned about not having

any compensation for any of that. I don't think the idea of competition is a problem. If we look at some of the other things that have come along since the announcement, such as the American company and the Canadian company, which are big organizations, we're not so sure they can compete with us, because we are very efficient, because we operate for very little, administratively and in other ways. I guess our concern is that the system, after this takes place, will change to allow them to make what profit they need to exist. Under the existing funding, we don't understand how they can possibly do what we do for anywhere near the cost. Competitively, we're just concerned that it will change to their benefit and their shareholders', I guess.

Mr Colle: Thank you very much for coming. I think you've pointed out a section of this bill which is really frightening. Here you are, small business people who have invested your life savings, your expertise, in this very important business, and the government is basically taking that business away from you and not compensating you for it. This is something they do in Castro's Cuba or other places. How do they justify to you that they can take a business away and not compensate? What is their answer? Have you talked to your MPPs? What are they saying? How do they justify not compensating you for your business?

Mr Gilpin: We have had an opportunity to speak to each of our MPPs in our area. As you can imagine, in Middlesex county we've spoken to our representative. However, we do feel that our compensation issue has not been addressed. As I said earlier in our presentation, these changes to the act came as a complete surprise. As we understand it, there was no consultation with service providers whatsoever. Many of us at the table this morning had to see the changes to the act in the Hansard that was brought to us through our associations.

Mr Colle: You're small, local business people. You're going to be competing now — if the municipality takes you over with no compensation, one of these big American firms is going to come in here and put you out of business. Have you told your local MPPs that? What are their answers to that?

Mr Gilpin: That presenting in front of you today should be our starting focus — really no explanation whatsoever.

Mr Colle: No explanation of taking your business away without compensation.

Mr Marchese: First of all, I want to defend poor little Cuba.

The Chair: We're in Canada, Mr Marchese, so don't push it.

Mr Marchese: Cuba is so far away from heaven and so close to the United States, so close to being strangled by that superpower, because that's what they're doing to that poor little country.

The Chair: We're on Bill 152, Mr Marchese. What does that have to do with it?

Mr Marchese: You're just picking on poor little Cuba, versus this strong, bullying Tory government we've got today.

You're all very nice and polite today. Maybe you want to be or maybe you have to be; I'm not sure. I read your submission and it talks about how unfair this government is. I've got the same question. How do you react to a Tory government — which puts the marketplace on the altar, fair play in terms of business and so on — which through this bill is about to expropriate you guys without compensation? These are Tories now. We're not talking about other vile types who could do so much wrong to you guys. These guys are your friends normally. Surely you must have some feelings. How do you respond to that?

Mr Denning: I'd have to pass that to you, Bob. He's the largest stakeholder and provider here.

Mr Bob Duffield: I believe it hasn't been addressed. As we've put before you in our presentation, nothing has been discussed with us. Other people have been in there discussing with the Tory government, and we need the opportunity to put our presentation forward and meet with them and get this resolved. I feel the possibility is there if they would invite us in, but we've been sort of left out on the outside, as in the original negotiations before Bill 152 was put forward.

The Chair: Thank you very much, gentlemen, for coming.

Final call for Wanda Lewis. I guess she didn't make it. Therefore, that concludes the presentations this morning. I will adjourn the meeting until 1:15 this afternoon.

The committee recessed from 1150 to 1319.

CANADIAN INSTITUTE
OF PUBLIC HEALTH INSPECTORS
(ONTARIO BRANCH) INC

The Chair: We'll reconvene, ladies and gentlemen. The first delegation this afternoon is the Canadian Institution of Public Health Inspectors (Ontario Branch), James Reffle. Good afternoon, sir, and you have 15 minutes to make your presentation to us. Thank you for coming.

Mr James Reffle: Thank you very much. On behalf of the Canadian Institute of Public Health Inspectors (Ontario Branch), it's my privilege to address the standing committee on general government to provide our association's comments with respect to proposed amendments to the Health Protection and Promotion Act, as well as amendments to the Building Code Act.

The Canadian Institute of Public Health Inspectors was established in 1934, and for many decades certified public health inspectors have been responsible for a comprehensive set of environmental health programs in communities across the country.

Using a variety of professional and technical skills, certified public health inspectors promote individual and community wellness through health protection activities and enforcement of provincial legislation and municipal bylaws. As part of a multidisciplinary team of profession-

als, we work to reduce the incidence of infectious disease and health hazards, perform technical assessments, provide consultative and educational services and ensure that community development encourages a healthy environment.

Certified public health inspectors identify and resolve hazards in residential, recreational, commercial, social and industrial premises and provide information and training on contemporary alternatives and techniques. Certified public health inspectors respond to current environmental problems and concerns, investigate complaints, inspect various types of premises, assess and approve plans to ensure compliance with pertinent legislation and safety standards. We are the investigators and educators whose primary goals are the prevention of illness and the protection of health. Every day, certified public health inspectors work in the public domain and promote a healthy perspective on local issues. It is this position that provides the valuable link between the public and government, guiding and enforcing measures that protect and improve our environmental health.

It is apparent that many of the powers and authorities that are currently included in the Health Protection and Promotion Act with respect to the programs and services provided by public health inspectors remain intact. For example, various sections related to health hazards, rights of entry and appeals from health hazard orders, sections related to regulations and enforcement, remain intact. The Ontario branch views this as a positive reinforcement of the value of certified public health inspectors and the public health inspection programs that have been carried out under community health protection area of the act.

Consistency in application and provision of basic public health programs, particularly those carried out by certified PHIs, are achievable with public health programs that are mandatory and which have goals, objectives and standards that are well communicated and designed with participation from stakeholder groups. For the last 25 years, certified PHIs have served the public of Ontario through the protection and promotion of public health while working in health units under the current shared-funding regime. Prior to the 1970s, certified PFHs carried out their duties for decades under municipal administrative structures.

Over the years, some of the activities for which public health inspectors were directly responsible at the local level had been assumed or subsumed, in part or in whole, by other ministries and government agencies, such as involvement in occupational health and environmental concerns, day care licensing and housing standards. This fragmentation of responsibility had led to a patchwork of specialized agencies with different mandates and inconsistent coordination. Public access to the system created a frustrating experience for the public, for consumers and for political representatives. In many instances local public health inspectors become the point of intersection and access through which the public, consumers and political representatives became the recipients of knowledgeable, reliable and local health resources, and ultimately action.

With changes to other government ministries, public health inspectors are poised to take on added responsibilities to fill related service gaps. The vast experience, academic and technical knowledge and skills cover a rich diversity of areas including environmental health risk assessment and communication, food safety inspection, tobacco control enforcement, water quality, public swimming pool safety, communicable disease investigations, emergency response in disaster situations, housing health hazards, day care centre infection control, as well as other licensing and enforcement matters.

While the amendments in the HPPA provide that boards of health carry out the mandatory programs and services as prescribed by the ministry, at this point in time we have not seen the final version of these programs. We would hope to be able to view the final version to provide a better comment as to the scope and depth of public health programs that are to be provided for under the act. We recognize the desire of local municipalities to have an element of flexibility, however, in implementing the various programs and standards under the mandatory programs and services guidelines.

We also recognize and value the worth of consistent application across various municipal jurisdictions in order to provide an equitable and effective application of public health inspection programs. In this regard, the Canadian Institute of Public Health Inspectors, along with its fraternal organizations, ASPHIO and OPHA, see our role is in assisting the development of consistent implementation and application of programs throughout the province.

In order to accentuate the ability of local boards of health to carry out consistent programs across the province, the term "mandatory guideline" that is presently in the act should be replaced with the term "mandatory standard." Additionally, the definition of "obligatory municipality" should be more clearly defined to include or to consist of upper-tier municipalities or a set of upper-tier municipalities. This change would minimize the overall number of local boards of health. Another option for obligatory municipalities would be for the act to prescribe sets of municipalities using the boundaries of current district health councils to provide a more regional establishment of health boards. Consistency of program implementation, as well as financial benefits in operating costs, could result.

Under the definitions section of the HPPA amendments, the definition of "food premises" currently does not include a private residence. As the entrepreneurial spirit expands throughout the province, the establishment of home-based businesses increases, and the establishment of home-based food preparation businesses puts the public at risk where these premises cannot be openly inspected and evaluated by certified public health inspectors. In order to minimize foodborne illness associated with these currently exempt home-based food operations, we recommend that private residences be incorporated as part of the definition of "food premises" where they are being used to prepare or store food for public sale and consumption.

Section 49 of the act, which retains the appointment of provincial representatives to local boards of health, is seen by us as a mechanism to assist the province in ensuring that mandatory public health programs are in fact being carried out.

The proposed repeal of subsection 81(3), which had required the chief medical officer of health of the province to keep himself or herself informed in matters related to occupational and environmental health, it is our feeling that this section should be reconsidered for possible reinstatement. It has always been an essential part of the chief medical officer of health's function to monitor conditions and to provide consultation to the minister. We recognize, however, that these issues are still being retained by the local medical officer of health, so it appears that the local situation is covered in this sense. However, having a collective vision in the form of the chief medical officer would be a benefit to the minister.

It is our interpretation of section 82 that the minister "may appoint" assessors to carry out assessments of boards of health, that ongoing monitoring would be carried out by bureaucrats or agents of the ministry in order to accredit and evaluate programs at the local level. However, we recommend that in order to effectively superintend the provision of minimum public health programs and services that the ministry consider regular audits of boards of health at a predetermined frequency. We recommend in light of this that section 82 be changed to "shall appoint," in order to provide an ongoing mechanism of review and accreditation, rather than depending on a reactive mechanism associated with the term "may appoint."

It is our recommendation that in order to preserve the best possible standards, the definition of "public health inspector" should be amended to mean one that is certified by the board of certification of the Canadian Institute of Public Health Inspectors. To become a certified PHI, a candidate must meet the academic requirements of the board of certification, complete with a three-month practicum placement in a health unit or department and successfully pass both a written and oral exam set by the board of certification. A bachelor of applied science environmental health degree from Ryerson Polytechnic University in Toronto or a diploma in environmental health from British Columbia Institute of Technology in BC are currently available and are accredited courses.

Finally, we'll talk a little bit about comments related to amendments to the Building Code Act pertaining to the sewage system program. As you know, schedule B under Bill 152 provides for changes in responsibility for sewage systems from the Environmental Protection Act to the Building Code Act. Sewage system inspectors will be appointed under the Building Code Act. Boards of health or conservation authorities may be made responsible for enforcing provisions for the building code by regulation. Upper-tier municipalities, boards of health or conservation authorities can be made responsible for enforcing provisions of the building code by agreement with the municipality. The building code will establish standards that sewage systems must meet.

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Section 3 of the amendments is of concern in that the public health inspector has not been named as a person appointed as a sewage system inspector. Public health units have administered what was called the part VIII program for over 30 years. The qualification process does not credit public health inspectors having many years of related field experience as being qualified. Instead, the qualifications process places greater emphasis on a proposed two-week course followed by a test. It is our feeling that certified public health inspectors having experience working in private sewage disposal should be granted licensing status on this basis.

Section 7 provides for the ability of various municipalities to pass bylaws respecting sewage systems in their areas of jurisdiction. This could lead to neighbouring municipalities having different policies or interpretations of rules governing sewage systems. The concern here is confusion for the development industry and for the public at large and the creation of confusion in terms of enforcement where an inspector may cross municipal boundaries.

In conclusion, certified public health inspectors in Ontario are an important resource in terms of public health protection and illness prevention. Most people are unaware that everyday activities such as drinking a glass of water, sending children to child care or school, or eating in restaurants involve certified public health inspectors who work behind the scenes to protect health and prevent illness and injury.

As a reliable community resource, and having a provincial interest in public health inspection programs, the Canadian Institute of Public Health Inspectors is poised to work with municipal agencies and associations in order to facilitate the best possible level of health protection and illness and injury prevention across the province.

Thank you for providing me with the opportunity to express our views, and we are open to further consultation on any of these matters.

The Chair: We have time for questions from one caucus. Mr Sergio, you have two minutes.

Mr Sergio: Mr Reffle, thank you for coming and making a presentation. Has your organization been requested to have some input prior to the drafting of Bill 152?

Mr Reffle: We did have full involvement participating in the mandatory programs and services guidelines which make up a big portion of the outcome of the act. We did have some input on the HPPA, not in a direct way but through the OPHA.

Mr Sergio: Your concerns have been expressed by other people as well, even in Toronto. Are you surprised that some of your concerns were not taken into consideration and included in the bill here?

Mr Reffle: I think in many cases our particular constituency, at least the HPPA portions, we felt very positive about the changes to the HPPA, and in fact, some of the suggestions we're making are probably more for clarity and perhaps to solidify some of the other areas that we're commenting on.

I think probably on the major concerns that we have spoken to, I have spoken to previous legislative committees under the water and sewage services changes, specifically to the part VIII program, and some areas in fact had been listened to and some changes were made, but we still see room for some additional changes.

Mr Sergio: What advice would you have for small municipalities that now will have to provide their own inspectors and assessors, who would come with no experience, no instructions, no qualifications, no certification?

Mr Reffle: If you're speaking to the part VIII program or the sewage system program, I suggest they look towards the local health unit or the conservation authority that is presently the delivery agent to continue doing that work for them. I think the qualifications and the experience that we have in doing the program are far more valuable than a two-week course and automatically going into the field. We have the training, the background and the understanding of how a sewage system interacts with the environment and health, rather than it being an extension to a building. I don't say that in a pejorative way, but I think it may be a little understood program and it certainly is something that we have a lot of experience in. I would counsel them either to hire someone who is a certified PHI or a certified environmental technologist who has the background, because that is one option that is used in some health units in Ontario.

The Chair: Mr Reffle, on behalf of the committee, I'd like to thank you for taking the time to make a presentation to us.

COUNTY OF OXFORD

The Chair: The next presenter is Edward Down, the warden of the county of Oxford, and I assume Kenneth Whiteford, who is the CAO and clerk.

Mr Kenneth Whiteford: Yes.

The Chair: Good afternoon, gentlemen.

Mr Edward Down: Good afternoon. Thank you very much for allowing us the opportunity to address the committee today. I understand you have copies of the presentation. On behalf of the council of the county of Oxford, I'm very appreciative of the opportunity to address the committee today on Bill 152 and specifically those parts of the bill pertaining to amendments to the Health Protection and Promotion Act.

The county of Oxford has a population of nearly 100,000 people divided between three urban centres — the city of Woodstock, the town of Tillsonburg and the town of Ingersoll — and five rural townships. The county borders the county of Middlesex to the west and the regional municipality of Waterloo and the county of Brant on the east.

The county of Oxford adopted the principles of restructuring 22 years ago, in 1975. The county has its own legislation, the County of Oxford Act, which reduced the number of municipalities in the county from 18 down to eight in an effort to better respond to the needs of its residents in the environment of the early 1970s.

The politicians of the county of Oxford agree with the objective that the Who Does What transfers should end some of the confusion and overlap of service responsibilities between the province and municipalities. On the other hand, there is considerable concern about the magnitude of the financial shift and the assumptions that were used to arrive at the numbers only two months before many of these shifts are to be implemented.

Oxford county council certainly supports the clearly defined principles of the Association of Municipalities of Ontario whereby municipalities expect clear and direct accountability; municipalities expect "pay for say"; municipalities expect clearly defined provincial and municipal responsibilities; municipalities expect maximum local flexibility; municipalities expect to have opportunities to find efficiencies; and municipalities expect predictable, sustainable costs and revenues.

It is the attempt to maximize local flexibility, determine the presence of efficiencies and ensure overall accountability that the county would like to address in the presentation today. Our focus is the amendments to the Health Protection and Promotion Act, which appear to veer away from the guiding principles and introduce major stumbling blocks.

Oxford county council is strongly of the opinion that the amendments to the Health Protection and Promotion Act currently incorporated in Bill 152 should be further expanded to deal with the following issues: (1) to ensure that there are provisions in the legislation to allow a board of health to be incorporated into the county's committee structure; (2) flexibility in the requirements for the engagement of a medical officer of health in order that shared arrangements or part-time employment can be considered; and (3) that the legislation ensure that a medical officer of health does not have to be the chief executive officer of the board of health.

The county of Oxford should be allowed to establish public health as a department of the county, with council or its subcommittee to assume the role of the board of health.

In 1992, the county did make a request to the Minister of Municipal Affairs to have the Oxford County Board of Health dissolved and all responsibilities transferred to county council. The attached letter indicates the wording of the resolution adopted by Oxford county council in the fall of 1992.

In a letter dated July 6, 1993, the Minister of Municipal Affairs responded to the county's request and indicated that it should be deferred pending the completion of the long-term care redirection. The letter went on to say that ministry staff would bring forth the county's request for consideration at the appropriate time. We are still waiting.

Bill 152 does not currently propose any change to the definition of a board of health. It is the county's understanding, however, that the social and community health implementation team has been advised that a change will be proposed to allow this request but still require ministerial approval. The county's preference is to have the change made in the amendments to the Health Protection

and Promotion Act, because the county of Oxford is specifically mentioned in the current definition of a board of health.

The current Health Protection and Promotion Act, in subsection 67(1), specifies that a medical officer of health of a board of health is the executive officer of the board. Subsections 67(2) and 67(3) stipulate that employees of the board are subject to the direction of the MOH and that the MOH is responsible to the board of health for the management and administration of the health programs and services as well as the business affairs of the board.

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Bill 152 proposes to add the words "unless exempted by the regulations" at the end of subsection 67(1) so that the section would read as follows: "The medical officer of health of a board of health is the executive officer of the board unless exempted by the regulations."

Subsections 67(2) and 67(3) of the act are also revised as follows:

"67(2) The employees of and the persons whose services are engaged by a board of health are subject to the direction of and are responsible to the medical officer of health of the board if their duties relate to the delivery of public health programs or services.

"67(3) The medical officer of health of a board of health is responsible to the board of health for the management and administration of the health programs and services and business affairs of the board unless exempted by the regulations."

The county of Oxford does not understand the need to come forward with hat in hand to seek these changes through regulations. The county believes that for the sake of flexibility and accountability the county should be able to determine whether it is appropriate to have a medical officer of health dealing with the business affairs of the board. The county certainly agrees that the advice and assistance of a medical officer of health is necessary to provide proper direction and management of health programs and services. The county's position is, however, that the business affairs of the board can be dealt with by the administrative structure that is in place for the county as a whole and thereby achieve efficiencies.

The current Health Protection and Promotion Act indicates in clause 62(a) that every board of health "shall appoint a full-time medical officer of health."

Bill 152 does not currently propose any changes to allow the sharing of a medical officer of health between boards of health. It is understood, however, that the social and community health implementation team has been advised that the Ministry of Health is prepared to entertain options.

The county of Oxford would like the flexibility to consider either a part-time medical officer of health or a shared position with another neighbouring board of health. A shared position equates to part-time in the sense that one medical officer of health will be devoting time and energies to the affairs of two boards of health. If that position is eventually accepted, there should be no argument with the concept of a part-time medical officer of

health whose role and responsibility is to look after the management and delivery of health programs and services.

Municipalities have the right to decide whether other senior administrative positions are part-time or full-time, and the same privilege should be extended to the medical officer of health position.

In conclusion, since the county of Oxford will be funding the operations of the Oxford County Board of Health at the 100% level as of January 1, 1998, it is considered expedient to ensure that there is as much flexibility as possible in the administration of board of health operations.

The three key changes that the county of Oxford is seeking to amendments to the Health Protection and Promotion Act that form part of Bill 152 will go a long way to providing greater flexibility and better accountability, and will provide the tools for a true search for administrative efficiencies.

The county of Oxford is seeking the standing committee's support for these changes because the county believes that these changes do in fact address the ultimate objectives of Bill 152, the objectives of the Association of Municipalities of Ontario and the objectives of the county of Oxford.

The Chair: Thank you, Warden Down. Mr Marchese, each caucus has about two minutes.

Mr Marchese: I was interested in the views of Dr Wayne Everett, the medical officer of health for the Kent-Chatham Health Unit. He made a number of points with respect to this bill. He's actually very worried. He says that as a result of revisions to the Health Protection and Promotion Act in 1983, "new provincial mandatory program guidelines and provincial funding initiatives, Ontario has been able to achieve a notable benchmark in North America in setting new public health standards." He says, "I can find few if any examples in Canada or the United States where such a decision" — the one that is being taken — "has been taken in building towards integrated or an improved health care system for the population." He goes on to add, "I feel these proposed restructuring initiatives by this government have placed public health as a throwaway item when it very much should have been integrated provincially into a universal health care system." He says, "This is bad health care planning and it does not use common sense."

He has further comments on other pages, where he says, "I will for the sake of brevity now, share my experience with this process only to say that this experience has recently clearly confirmed my concerns as expressed more ably by some of my colleagues in public health with regard to the issues of executive authority of the medical officer of health and the role of a statutory body like a board of health as essential to ensuring the public's health in the future." He adds finally as a comment here that there needs to be a direct reporting relationship of the medical officer of health to a statutory body of health and to the new council in order to retain an objective, unsuppressed and advocating role on public health concerns, program management, funding and significant health

issues in the community, what he calls "a healthy arm's-length relationship."

How do you respond to his concerns?

Mr Down: Certainly the position we have put forward in the past is that our council is duly elected, is certainly a responsible level of government, and as such would make the decisions that are appropriate for health issues in the county of Oxford or any other municipality. Certainly separate boards have served their purpose in the past, but I believe that as municipalities are evolving with additional responsibilities, public health fits into it. Currently our health unit in Oxford county is comprised of seven elected representatives and three provincial representatives, so we do have the majority as of now. I do not believe the changes we're asking for here to make a committee a council is going to change that same responsibility and the good decisions we have made in the past.

Mr Carroll: Thank you, Warden, and Mr Whiteford. I understand, Warden, that you're stepping down from your elected position this year, so maybe I can get an objective answer from you about an issue.

Mr Down: My answers are always objective.

Mr Carroll: You're recommending much flexibility. Some of that flexibility currently exists for regions in our province. We heard evidence this morning that what that has produced in those regions is a smaller amount of money being spent on public health, but I haven't heard anything said about lower outcomes in public health. You're recommending that other areas of the province be given that flexibility to participate more in public health. We have the medical officers of health coming before us time after time, telling the world that public health as we know it and the health of the province is in total jeopardy if we allow municipal politicians to have control over the funding of public health, that you will defer all the time to fixing a pothole rather than public health, that the last priority will be public health.

As a person who has spent a lot of your life in municipal politics and is going to leave it, could you explain to us why municipal politicians are held in such low esteem and how you feel about whether or not municipal politicians can be responsible for delivering quality public health to the citizens of Ontario.

Mr Down: Certainly as far as how people view municipal politicians, it is a difficult job. There are a lot of tough decisions to be made. Those decisions relate to determining whether or not potholes are fixed or dollars are expended to buy library books or money goes into public health or other social programs. Certainly when you look around the gamut, whether it's public health, library associations or utility associations, they all share the same view: that municipal politicians are going to take dollars and put them elsewhere. I know that even if you talk to people in the Municipal Engineers Association, they also believe that there's not enough money expended on public roads or on public transit. Again, I think it comes back to the position that elected representatives have in making those tough decisions and determining where those dollars are going to be expended.

I do not believe, though, that municipalities will allow public health to deteriorate in their communities. Again, it is a service, it is a benefit to their citizens, just like library services or road services or water and sewer. Again, they'll have tough decisions to make in the future, but I also believe they need the flexibility to look at their administrative structures and hopefully achieve efficiencies where we can put those dollars back into the front-line services.

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Mr Sergio: Thank you for coming down and making a presentation to the committee. Some of the things you've mentioned and some of your concerns were expressed by AMO as well in Toronto. This is not the first time that AMO has voiced these concerns. They were a bit surprised that their concerns were not listened to. The bill has been drafted and presented with no changes. Some of the concepts you mentioned here — pay for say, stuff like that — were not totally addressed by the ministry.

Can you tell us why the province is not listening to concerns such as yours and AMO's? AMO seems to be very well known in the circle around Queen's Park. Why aren't they listening to the concerns of those organizations?

Mr Down: I can appreciate that any time legislation is drafted there are people with differing views on it. From where I sit, I felt the province was listening to us and the changes were going to be made. I believe that the way the bill is currently drafted, though, it doesn't provide the flexibility municipalities need; that we would still have to continue to go back to the Minister of Health and ask for changes to be made for specific municipalities.

That's one of the reasons we are here today. We believe there still is an opportunity to get changes made to Bill 152 to allow the municipalities' concerns to be listened to and changes to be made that will provide that flexibility.

The Chair: Warden Down, Mr Whiteford, thank you very much for coming.

SIX NATIONS HEALTH UNIT

The Chair: The final delegation this afternoon is the Six Nations Health Unit. I assume we have before us Ruby Jacobs, the manager, and Terry General, the chair of the health committee. Good afternoon to you.

Mr Terry General: Good afternoon. I'm Terry General. I'm one of the representatives from the Six Nations Council. I'm a Cayuga Indian from our own Six Nations. With me this afternoon is Ruby Jacobs, our health director, and she will be speaking on land ambulance services issues.

The Chair: Mr General, thank you for coming. You have 15 minutes to make your presentation to us.

Ms Ruby Jacobs: I'd like to also thank you for getting us on to your agenda before the standing committee this afternoon. We really appreciate that.

Just to give you a little background of Six Nations of the Grand River community, it's located about 50 kilome-

tres southeast of Brantford, and it's more or less in the middle, with Caledonia and Hagersville on the east and southeast end. The territorial lands are about 18,000 hectares, and the central point is the village of Ohsweken.

The on-reserve population is, as of May 1997, 9,702, with a full band membership list totalling 19,256. The members come and go. They go off the reserve for various reasons like schooling, work and so on. So there's movement all the time, back and forth, on the band membership.

For some time now, the Six Nations Council has been giving serious consideration to the development of a community based ambulance service. We do have an emergency first-response team, which was initiated in 1992, but there is increasing need for an on-reserve, full-capacity ambulance service, as we have a rising number of calls with each passing year, plus we've got service development there, whereby we need to have faster ambulance service than we've had in the past. It takes 20 minutes to half an hour to get an ambulance out there when the need arises. There has been some serious thought around this, looking into getting a community based ambulance service.

A proposal was submitted to the Ministry of Health in May 1997. We didn't receive any response over the summer. In September we heard something and then again in October. That was after the Who Does What information was made available to the public. At that time, we did receive feedback from emergency services. Their statement was that there were no new licences being allocated. The province is also downloading the responsibility of the provision of land ambulance services to municipalities.

The Who Does What budget planning worksheets the county of Brant and city of Brantford received state that there will be an upper-tier municipality "responsible for paying all costs associated with the provision of land ambulance services in the municipality. It is also responsible for apportioning such costs among and collecting such costs from the local municipalities within its borders." At this point in time, this poses a problem for Six Nations.

The second statement in that same document, the Proposed Services Improvement Act, states, "Where a delivery agent provides service for a designated area that does not form part of an upper-tier municipality, regulations would set out how the costs associated with the provision of land ambulance services in that area are to be apportioned among local municipalities and/or territories without municipal organizations."

It's indicating that there will be regulations drafted to go along with the Services Improvement Act. It's timely for us to request that there be consideration for an exemption. We did learn, through input from the Ministry of Health emergency services, that the Aboriginal Health Office at the Ministry of Health was working on getting an exemption clause put forward internally. It was felt by the Six Nations community that it was necessary for us to seek out how we could also work to endeavour to see that this occurs.

In June 1997, Six Nations also received a letter from Mae Katt, the regional director of the Ontario region medical services branch of Health Canada, informing Six Nations that the federal government is not responsible for ambulance services, that it's the responsibility of the province. Therefore, we have a situation that creates a dilemma for Six Nations of the Grand River regarding the funding of ambulance services: The federal government says they don't provide it, and the province is downloading to municipalities, which are not responsible for funding.

Six Nations is recommending, first of all, consideration for a community ambulance service allocation. That is, to be designated as a delivery agent for community ambulance service. Under part IV, section 6.7, there is opportunity for the minister to consider delivery agents.

Second, Six Nations is also requesting that an exemption clause regarding first nation ambulance services be incorporated in the new legislation as a regulation stating that funding would continue to be provided by the provincial government, as well as program concerns. That's our request.

The Chair: That's it? Thank you very much. We have time for questions.

Mr Carroll: Thank you for your presentation. Which service currently provides service to Six Nations?

Ms Jacobs: Currently we get ambulance service from Brant county. There's a private entrepreneur that provides services. We can also get an ambulance from Hagersville, on the southeast end.

Mr Carroll: You spoke in terms of the response time being 20 minutes up to a half-hour. In your experience, is that worse than it would be for other folks living in that part of the province?

1400

Ms Jacobs: I'm not aware of how long it takes any other areas. Perhaps Terry could speak to that, why we have had difficulties getting ambulances and the effect it has had on some of the community members.

Mr General: Service from the Brantford side is much farther than the Hagersville side, because our central area is farther away from Brantford than it is from Hagersville. As most of our people now are in the village, our elderly, we need the service almost every other day. The area we need service to is right in the middle. Coming from Brantford, it's 20 minutes, and from Hagersville to the centre, to our facilities where we need them almost every other day, is approximately 20 minutes.

If we had the exemption from the bill and we had our own service, it could be right next door or even in the same building. Many of our old folks now are passing away. Every other day we're losing people from the village. The ambulance service is there two or three times a week. That's why it's quite important that we get an ambulance service. If we have to wait for service coming from Brantford to pick our people up in the village and then go back to the emergency rooms, we're losing a lot of our people on the way. For the past 40 years, I can remember, there have been a lot of incidents where the doctors tell us, "If you had got him here five minutes

sooner, we could have saved him." My father was one of them 20 years ago.

Mr Sergio: On the same question, the province has shown some interest to have certain services privatized. Is this something you're looking at, to have your own private ambulance service for your community?

Mr General: Yes.

Mr Sergio: That's fine. I think I understood your point clearly. Thank you very much for your presentation.

Mr Marchese: This is why I'm worried about what's happening with the download. As you shift responsibilities down to the municipality, there are certain people who will suffer as a result of that shift. The feds have told you, "It's not our problem," the province is about to tell you, "It's not our problem; go to the municipality," and the municipality is going to say: "Well, we've got a problem here. We don't have enough money." On a local level, it becomes much more complicated to fund something than on a provincial level, for different political reasons. I'm actually very concerned about the download. You haven't commented on that, but I'd rather leave my time for Mr Carroll to comment on the recommendations you made so that you can have a sense of where these suggestions you made might lead.

The Chair: If you wish to have it come around to Mr Carroll again, I'm sure he'd take the time.

Mr Marchese: Yes, that's it.

Mr Carroll: This is a first. You are witnessing a first, somebody from the third party giving up some of their question time to the government.

Mr Marchese: I've done it before.

Mr Carroll: That's very nice of you. Thank you, Mr Marchese. As I understand it, you have two major concerns: one is the timeliness of the service; the second one is, in this whole scheme, who is going to pay? Those are the two issues you have?

Ms Jacobs: That's right, yes.

Mr Carroll: If the service could be addressed, could be improved to your satisfaction — your one suggestion is that you have your own ambulance service, but there are some pitfalls to that one too. If it involved a single ambulance, if it's gone, taking somebody into the hospital in Brantford, you're in trouble if you need a second ambulance to deal with another issue. So there are some pitfalls to your own ambulance service. I'm not saying that it's necessarily the worst alternative. But your concern is with service and with who is going to pay the bill for the level of service you require on Six Nations. Have I understood your concerns properly?

Mr General: Yes.

Ms Jacobs: Yes. We're concerned about who is going to pay. Just like you stated, we've heard from the federal government, and we've heard from the province at this point in time. We have spoken to the municipality, and they're wondering who is going to pay our bill also. Six Nations has met with the Brant county group, and they've brought this up.

Mr Carroll: I don't have the exact answer for your two concerns, but certainly there are people here from the Ministry of Health, and we will take those concerns back,

because we do have to address those. I understand that we do have to address those.

Mr General: Could I comment on your question? You asked, if one service is already being utilized, what would happen if we needed two? We have first response on the reserve already. They could look after our people until the ambulance made the trip and came back. Our service is there, but we need the ambulance service for transport.

The Chair: Mr General and Ms Jacobs, thank you kindly for coming and making your presentation to the committee this afternoon.

Ladies and gentlemen, that concludes the presentations for this afternoon. Unless members have some questions, I will adjourn these proceedings till tomorrow in Sault Ste Marie at the Ramada Inn at 9 am.

The committee adjourned at 1406.

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**Legislative Assembly
of Ontario**

First Session, 36th Parliament

**Assemblée législative
de l'Ontario**

Première session, 36^e législature

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**Comité permanent des
affaires gouvernementales**

**Loi de 1997 sur l'amélioration
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 29 October 1997

Mercredi 29 octobre 1997

The committee met at 1015 in the Congress Centre, Ottawa.

SERVICES IMPROVEMENT ACT, 1997

LOI DE 1997

SUR L'AMÉLIORATION DES SERVICES

Consideration of Bill 152, An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda / Projet de loi 152, Loi visant à améliorer les services, à accroître l'efficacité et à procurer des avantages aux contribuables en éliminant le double emploi et en redistribuant les responsabilités entre le gouvernement provincial et les municipalités dans divers secteurs et visant à mettre en oeuvre d'autres aspects du programme «Qui fait quoi» du gouvernement.

ONTARIO PUBLIC SERVICE
EMPLOYEES UNION,
AMBULANCE DIVISION

The Chair (Mr David Tilson): Good morning, ladies and gentlemen. It is 10:15 and I think we should commence our hearings on Bill 152.

The first delegation to speak to us this morning is the OPSEU ambulance division, Robert Patrick, who is the chairman. Each deputant has 15 minutes to make a presentation to us, sir.

Mr Bob Patrick: I certainly don't plan on reading this document to you. If I do start getting into that, I apologize in advance, because I'm quite aware that you are all quite capable of reading and you don't need me to do it for you.

My name's Bob Patrick, as it says on the first page. I am an active, working paramedic for the Renfrew provincial ambulance service. I am also the elected chair of the ambulance division of OPSEU, and as such represent the listed groups of people, up to approximately 2,000; it's very fluid sometimes. I would like to thank you for the opportunity to express our concerns before this committee and maybe even offer a few suggestions as to how the ambulance delivery system can be protected and hopefully improved.

I've included a list of some of the things that have happened over the last 20 years: the hearings, the studies, the reports that have been done by ambulance services and about ambulance services. The common theme throughout these reports was their criticism of the fractured, patchwork-quilt delivery system. In the back I have copies of the Crombie recommendations, listed as 1, 2 and 4. Even Mr Crombie, in their deliberations and after several months of study, felt it was serious enough that he mentioned three times that ambulance services were not broken and to leave them alone, that the government should be responsible.

Though the present ambulance delivery system still has some warts and wrinkles, over the last few years, with the cooperation and consultation of all the stakeholders, we have developed an ambulance delivery system that is a model to many jurisdictions. I make an analogy that it's somewhat similar to a person who goes out and finds a 1968 Chevy Corvette convertible in a wrecking lot, brings it home and spends 25 or 30 years restoring it, and then gives it away to somebody for parts. That's the analogy I make for the ambulance delivery system we have today.

As a result of the studies that have been done, the consultation, we have the basic life support standards manual. We're the only province that has a document that says, "This is the minimum type of treatment you can expect." The minimum in Ontario is much higher than the maximum in some other provinces. Other provinces are buying this document from Ontario to use it as their guideline for setting the type of ambulance delivery system they want in their provinces. That's a result of the consultation and cooperation of the stakeholders in this province. I'm happy to say I was an active participant in the development of this book.

The cornerstone of our system is the high-quality education, the training, the vehicles, the equipment we have in our system today. It's reliable and it's accessible to everybody today. It's affordable: \$45 per patient per call if you're covered by OHIP and it is a required ambulance transfer. Yet it only costs this province 1% of the total health care budget. In the past we told the Peterson government and we told the Rae government, "If you really want some inexpensive, positive public relations, you would create a province-wide ambulance service." It's not that expensive.

I have made a couple of references in here to the Common Sense Revolution. One of the objects was to elimi-

nate waste and duplication and to remove cumbersome bureaucracies. Well, for the last 18 years I've been working with the Ministry of Health's emergency health services branch. I must admit that I haven't agreed with them all the way down the road — many, many times we've locked horns and had some debates — but I do not believe it is a cumbersome bureaucracy. I have here the staffing pattern of the emergency health services branch of the Ministry of Health: 39 people at EHS, 5700 Yonge Street. If you want to add a couple of other people — director, assistant directors and everything — you've got fewer than 50 people overseeing the delivery of ambulance service for the province of Ontario.

If we go the way of these proposals that I've read in the paper and hear from the government, we're going to create 46 upper-tier municipalities and services, each with a minimum of two or three people plus support staff, so you're looking at replacing fewer than 50 with 150 to maybe 200 people — more bureaucracies. This doesn't even include the consolidated service delivery agencies that have yet to be revealed or identified as to who they are or what they're going to look like or what their roles are going to be.

I went to the two-day AMO conference at Queen's University. I went to the AMO convention. The AMO representatives to whom I have spoken absolutely, emphatically deny that they ever proposed or ever accepted the delivery of ambulance services. At the time, only a few large municipalities, the big regional governments, were in favour. I get the impression that they've changed their mind, because they've realized now that there won't be boundaries, that they won't have total jurisdiction, so they're backing off from the idea.

With the exception of a few transfer systems that have cropped up in the last few years, there's no duplication in ambulance; it's very complementary. Ambulance services support each other, from one community to another, from one jurisdiction to another. They don't compete; they support. If they go to the 46 UTMs, local politicians will be very reluctant and will oppose the transfer or the loss of their vehicles out of their systems. Right now there are 200 mechanical spares spread across the province. If we go to the UTMs, we're going to have Cadillac services in the big, rich, densely populated areas and we're going to have little or no service in rural Ontario.

Ambulance services will be contracted out on three- to five-year time frames, like garbage pickup, snow removal and cleaning services. When the people from the large communities, the Golden Horseshoe, the 905, the Golden Triangle — and the Ontario population is very transient. I work in Renfrew, and I'm dealing with people from Stoney Creek and Hamilton and London and Windsor up here doing white water rafting. When those people come up here, they're going to have to realize that we're probably going to have volunteer ambulance services, if we are even that lucky.

There's a newspaper clipping on the back of my presentation about what's happening in Renfrew right now with fire departments. Renfrew is surrounded by three

townships. There's constant fighting as to who should get the fire calls. They come into Renfrew and do a fire, and then the town of Renfrew charges them \$13.75. That's where you want to put ambulance services, into that type of system?

Go through Georgia, northern Florida, South Carolina. You drive down the back roads, which I make it a point to do because I don't like the through highways, and you see \$70,000 units sitting in the yard of a house that might be worth \$10,000. On the side it says, "County Volunteer Fire Rescue Service." That's what you want Ontario to look like?

At the present time, the movement of ambulances is very fluid. Just think back to the Barrie tornado, the plane that ran off the end of the runway, the Hagersville tire fire, the recent Hamilton chemical fire. In every one of those cases, in a matter of minutes there was a fleet of ambulances there: 40, 50, 60, whatever was required at the time to evacuate people from hospitals and nursing homes. Do you think that will happen under a UTM system or under the auspices of the international corporations? I don't think so, and if so, who's going to pay? How much?

I don't know whether you're aware, but right now Ontario has leased approximately 20 to 30 ambulances to the city of Montreal to get them out of a bind because all their ambulances were tied up, and it hasn't affected the efficiency of the system here. That's what you call good neighbours and that's what I call going outside your jurisdiction. I don't think UTMs would even consider that.

Privatization and delisting: Everybody says, "No, there's no plan to delist." Well, I happen to sit with Management Board and with the branch, and I know that over the years every once in a while delisting raises its ugly head.

Right now, ambulance officers are living in three- to five-year time bites. The disruption to their lifestyles, the uncertainty as to whether they're even going to have jobs tomorrow — I read the paper this week and found out stuff I didn't know. I sit with Management Board and the branch in committee hearings at least once a month, and I'm finding out stuff from the newspapers.

Our recommendations are not new. I'm sure you have all heard them. If you have to change at all, go to an OPP-style of delivery system, or even better, which is my hope, an agency. Either of these proposals would address the issue of fragmentation, which was found to be so destructive in all those studies I list at the front of my brief. Thank you.

1030

The Chair: Thank you, sir. We have time for questions from one caucus, and we'll give that to the Liberals.

Mr Alex Cullen (Ottawa West): Thank you for your presentation. I attended a briefing by the ministry on Who Does What here in town a couple of weeks ago, and one of the issues that was raised was, as I understand it, that the bulk of the work done by ambulance is actually inter-hospital, transferring patients from one hospital to another. I'm struck by your comment that different regions will have a greater ability to fund that service and other coun-

ties may not have. It was made very clear at the ministry briefing that this was not a Ministry of Health expenditure; it would be a municipal expenditure to cover the costs of patient transfer from one hospital to another. What does this mean in terms of moving somebody from Renfrew or Petawawa down to Ottawa? Would this mean that if the county didn't have the funds, we might see longer waiting times for these kinds of transfers?

Mr Patrick: Absolutely. It would definitely mean longer waiting times. Once again you get into the UTM's, where the people in Renfrew county say, "No, no, those ambulances don't leave our jurisdiction." So how is the patient going to get from Renfrew County to Carleton county?

Mr Cullen: Or to Ottawa.

Mr Patrick: Or to Ottawa. We have negotiated transfer systems within the existing system under the existing dispatch provisions. We have transfer cars in Ottawa, we've got transfer cars out of Pembroke into Ottawa, we've got transfer cars in Hamilton, we have them in London, we have them in Windsor and Niagara. The use or abuse of emergency cars for transfers is being addressed within the present system, among the stakeholders. It's being addressed.

The Chair: Thank you very much, Mr Patrick, for coming this morning.

ALEX MUNTER

The Chair: Our next presenter is Alex Munter, who is a councillor with the regional council of Ottawa-Carleton. Good morning, sir.

Mr Alex Munter: Good morning. Welcome to the national capital region. You'll recognize my brief; it's the one without a name on it — not a Freudian slip. How unusual.

I appreciate the opportunity to be here today. Our chair, Peter Clark, is coming in about an hour to express some of our council's views about this legislation. The regional council in Ottawa-Carleton has taken much the same position as almost every other municipality in Ontario about Bill 152 and about the download of responsibilities in general. I certainly support that position. I am simply here to add some of my own comments.

As you know, municipalities are very alarmed by a piece of legislation that will require us to deliver services without providing the funding to do so, which makes us responsible for services without giving us the ability to manage them and which seeks to pay for a very modest provincial income tax decrease with a significant property tax increase.

I would like to focus my comments today on the issue of health. I sit on the region's community services committee, which is responsible for public health. I'm also a member of the local district health council, and I am concerned about the impact this piece of legislation will have on the health and safety of people in this province. As I'm sure you'll agree, an illness or an epidemic or a threat to public health will not respect municipal boundaries. The

concerns with respect to public health, as I know you know, are shared by the Ontario Medical Association, the Association of Local Public Health Agencies and even the head of your own Health Services Restructuring Commission.

Being dumped on municipalities at the same time as the elimination of the municipal support program and at the same time as all the other downloading means that public health programs are going to be vulnerable here in Ottawa-Carleton and elsewhere in the province. Bill 152 will simply lead to a reduction in essential public health programs.

We have already started talking in Ottawa-Carleton, unfortunately, about the reductions that will happen in terms of the programs the health unit delivers, the layoffs of staff and the cutbacks in service that are a result of this legislation. The irony, of course, is that all this is happening at exactly the same time that the Health Services Restructuring Commission is dramatically reducing the size of the acute care hospital sector.

You may not know that here in Ottawa-Carleton we will be left with among the lowest ratios of hospital beds of any community in Ontario as a result of the Health Services Restructuring Commission's work. We have also to date only received about 1.5% of reinvestment in community health services here in the national capital region, even though our health care system is used by one in 10 Ontarians.

At the very time when the acute care hospital sector is shrinking, we should be beefing up and expanding our public health programs and expanding our disease prevention efforts. We have to. People will not be able to go to hospital beds that don't exist; they won't be able to use services that aren't there. Unfortunately, Bill 152 lays the groundwork for a reduction of these services, including healthy sexuality programming, AIDS prevention, tobacco control and nutrition programs.

Bill 152 weakens the authority of the medical officer of health, and it essentially treats most matters of public health as a discretionary program that local governments can choose to undertake if they can afford it, while at the same time impoverishing municipalities. I believe the government must treat the prevention of illness as part of the overall health care delivery system, and putting public health on a weak and unstable financial footing will not accomplish this.

For your information, I have attached a copy of a resolution that was adopted by regional council in May, which outlines our objections to these particular aspects, the public health aspects, of Bill 152 and asks for maintained cost-sharing of public health programs.

I would like to say about the bill as a whole, and I particularly direct my comments to the members of the government side, that I think you understand and you know that Bill 152 is bad public policy, that it undermines the services that people in our community depend on, that it will lead to property tax increases and that it violates the general thrust of the recommendations David Crombie made to the government. So my request to this committee

and to the Legislature of Ontario is to go back on this bill, to go back and undertake a disentanglement exercise that actually does protect services and does protect the interests of the property taxpayer.

The Chair: Thank you, Mr Munter. I believe members of the committee have some questions for you. Each caucus will have about three minutes.

Mr Rosario Marchese (Fort York): Thank you for your presentation. I have several questions, but I want to leave some time for the Tories because I want to hear from them.

We believe this will be a huge financial download. The Tories argue: "Because we're taking money, are controlling the education dollars and you don't have to worry about that any more, but we're shifting an equal amount of services down the road, you shouldn't be worried. You should be trusting the municipalities to be able to deliver these services well." They also say "Don't worry," because if there is a shortfall, they are there to give you the money. How do you respond to that?

Mr Munter: Certainly the "Don't worry, be happy" approach to municipal budgeting is not one that we're particularly comfortable with. I'm not aware of many municipalities in Ontario that have confidence that these changes and the shift in responsibilities that we are seeing, the shift in costs and perhaps the shift in blame, not responsibility, will end up being either revenue-neutral or in any way will allow us to maintain the services that people depend on. Certainly if one were cynical, one might say that what the government is effectively doing here is delegating blame, not responsibility.

1040

Mr Marchese: This is one of the few governments now that talked about disentangling, but all of a sudden they are downloading soft services such as housing and child care, they continue with welfare and other related things, health and so on, ambulances. How do you feel about downloading that kind of responsibility to the municipal taxpayer and tenants, who are also big taxpayers in the scheme of things?

Mr Munter: Certainly we have great concern in terms of not only the wisdom but the practicality of delivering income redistribution programs, like social assistance, social programs, social housing, off the property tax base. The property tax base, when there is a recession, is extremely vulnerable and our ability, for example, to deal with increasing welfare caseloads at a time when property tax revenues will be shrinking and declining obviously is not possible.

Mr Jack Carroll (Chatham-Kent): Mr Munter, thanks for your representation. Maybe you might clarify something for me. You talk in your motion about, "Whereas such a decision could lead to the steady erosion of public health programs, with greatly different standards from region to region..."

I assume you've read Bill 152 and are aware of the fact that for the first time this particular piece of legislation makes specific reference to the necessity that the municipalities deliver programs that have to do with tobacco

prevention, screening programs to reduce morbidity and mortality of disease, and public education and the prevention of injuries and the prevention and control of cardiovascular disease and cancer, while maintaining all the existing programs.

The provincial standards have been strengthened from what they currently are and yet you are supporting a motion that says there will be vastly different standards across the province by municipality. Are you telling us, sir, as a regional councillor, that you do not believe regional councillors can be trusted to deliver public health programs within the context of a strong provincial piece of legislation, that municipal councillors can't be trusted to deliver public health programs in the best interest of the residents they serve? Is that what you're telling us?

Mr Munter: No, what I'm telling you is that the provincial government of Ontario clearly cannot be trusted to adequately fund the services that people in this province depend on and that withdrawing municipal funding to the tune of hundreds of millions of dollars undermines the viability and the possibility that municipal governments will have to deliver public health programs.

Mr Steve Gilchrist (Scarborough East): Thank you for coming before us here this morning. You talk about irony. The irony is that we're following through on the disentangling exercise. When you worked for Ms Gignantes and the NDP, you took a stab at it and didn't have the courage to follow through.

Our time is very brief here, so I'll ask you some questions that you can answer just yes or no. You are running again for council this fall?

Mr Munter: I've been re-elected.

Mr Gilchrist: You've been acclaimed. Okay. Then who makes the spending decisions on the regional council? Who determines the priorities in your budget?

Mr Munter: Council.

Mr Gilchrist: We've heard from other prospective councillors running this fall that somehow potholes will have a higher priority than public health. Is that your submission, that in the budgeting process you'll place public health as a lower priority than potholes or other issues?

Mr Munter: I didn't talk about potholes. My submission is that if you render municipalities in this province financially unstable, if you withdraw funding from municipalities, the ability to deliver these programs and to deliver all other programs is compromised. That includes potholes. That includes housing. That includes public health. It's a sham to download responsibilities and then leave municipalities without the resources to deliver the services you are telling them they must deliver.

Mr Gilchrist: We'll disagree on whether they'll have the resources. We believe they will. It's unfortunate you didn't go to that municipal briefing a week ago. I was here. I kicked it off.

Mr Munter: Our staff was at that municipal briefing, sir, and they came back saying there was no new information.

Mr Gilchrist: They had all the questions addressed.

Mr Munter: There was no useful information delivered.

Mr Gilchrist: It's regrettable that you take your instructions from staff and not the other way around. But I guess there's a final question. I'm asking you, if not you, which councillors do you believe will place public health as a lower priority than any other budget item when the choices come to do budgeting next fall?

Mr Munter: I believe the taxpayers of Ottawa-Carleton cannot afford huge property tax increases, and that if we are mandated, if we're required by law, for example, to pay the bill for social housing or ambulance service without having any ability to manage those services, that puts extreme pressure on our budget and on the programs people depend on.

Mr Cullen: Just to follow along on the kind of pressures regional council may find itself under here in Ottawa-Carleton as a result of the downloading, I have some documentation here that looks at what would have happened to the region between 1990 and 1993 — I'm prepared to share this with my colleagues here — had the downloading — the 20% contribution towards general welfare and family benefits was in place and the additional cost to the taxpayers that would have occurred, the recession cost Ottawa-Carleton taxpayers \$18 million more at the end than over the beginning in terms of GWA, but it would have cost another \$17 million if they had to pay for FBA. In other words, they would have had to find about \$35 million.

When you're faced with that kind of crunch, when the region is obligated to find this money, is that not the time when programs like public health are at risk because there is the variation in terms of how you find the money, how you run the program? I've heard a candidate for regional chair even say that public health programs may be cut as a result of downloading.

Mr Munter: Municipalities are creatures of the province and if there is a law that says you must pay 20% of the cost of social assistance, then we will pay 20% of the cost of social assistance. If that cost goes up, that money has to come from somewhere. That will come from the programs that are discretionary because that is the only room for manoeuvre that local councils will have. Whether that's public health, whether that's policing, whether it's other community programs, that's where the hit will be felt as a result of this legislation.

Mr Cullen: My understanding is that while the province says it provides standards for public health, there is a wide variation in terms of the kinds of programs being offered. My understanding is our tobacco program in Ottawa-Carleton is very different and very extensive compared to other jurisdictions. Does this not indicate that if we set this priority today due to fiscal pressures, we may reset that priority and have to ratchet down what we felt we were doing a good job in?

Mr Munter: The cost-sharing of public health programs has worked very well in allowing the Ministry of Health to ensure that there is a standard level of programming, that certain provincial objectives are met, no matter

what the jurisdiction is, while, because there's a local contribution, also allowing local jurisdictions to tailor the programs to meet the needs of the community. It's been a good model, it's worked, and I'm very sad to see the government undermining that model.

The Chair: Thank you very much, Mr Munter, for coming and making your presentation to the committee this morning.

CENTRETOWN CITIZENS OTTAWA CORP

The Chair: The third presenter this morning is Catherine Boucher, the executive coordinator of the Centretown Citizens Ottawa Corp.

Ms Catherine Boucher: Good morning. Je veux vous souhaiter bienvenue à Ottawa. My name is Catherine Boucher. Perhaps the title of my organization doesn't tell you very much, but I'm the executive coordinator of a private, non-profit housing corporation in downtown Ottawa and I'm here to speak on schedule F which deals with social housing. Our organization, CCOC, has been in existence since 1974 and we operate 1,200 units under eight different housing programs, some federal, some provincial, so we have a fair knowledge of the issues.

I'm also a member of ONPHA, which is the Ontario Non-Profit Housing Association and the Our Homes-Chez Nous Coalition. You will hear a speaker from that later on today. As a member of ONPHA, I sat on a reference work group which reacted to the proposals of the minister's Advisory Council on Social Housing Reform, so I'm familiar with the work of the advisory council.

I want to make five points. I didn't submit anything in writing, but I hope you'll bear with me. Some of them may be comments and questions and others are more directly related to sections in the bill.

Our provincial association had its annual conference last week, and Minister Leach was there and gave the closing address. In some questions and answers after his presentation, he was asked by one of our members, was it true that he had been quoted in media reports as saying he did not feel social housing should be put on the property tax base. He said to our association members that indeed that was his and his government's position, that education, social services and social housing should not be on the property tax base.

1050

I guess that begs the first question, which is if social housing is currently not on the property tax base, why is 100% of it being sent down to lower-tier governments on January 1, and if it's the intention of the government not to have it on the property tax base, how will the program then be taken off that tax base at a later date? I'd be interested to hear any answers to that question.

My second point has to do with the distribution of the costs at the lower level. It's my understanding that the bill will essentially be sent to the upper tier, but there is in section 7 an ability for upper tiers to pass by bylaw either a special levy or a different tax rate which would apply to lower-tier municipalities. I understand that this is depend-

ent on municipalities agreeing. However, there is a possibility that they might, and I would say to you that social housing came through as a program first at the federal level, and then at the provincial level for the last 10 years, which was meant to meet objectives for affordable housing across the province. In fact the distribution was to meet needs in much broader areas even than the RMOC.

We had an eastern Ontario office that allocated social housing units based on need in a very broad region. Those units may or may not be located in any particular municipality. That municipality may or may not want to take on the cost of the units in their municipality. I would say that if we still see social housing as a provincial program, and the province has indicated it wants to see standards with respect to access, it's very dangerous to allow upper-tier regional governments to be able to pass on those costs directly to the municipalities where the housing happens to be located. That's a great concern to housing providers.

One smaller point has to do with section 5 of schedule F, which allows the minister to determine the final allocation. Our concern is over the next year or two as the administration of the program is being sent down, which it currently isn't in January. Just to preface, you're aware that the bill is being sent down, but the administration is not being sent down, which I'll talk on a bit later.

There is in section 5 an ability for the minister to change the numbers over that course of time until the administration is sent down to the lower tier. We have a concern that the numbers that are being given right now with respect to social housing are subject to change without any information, to municipalities and certainly to the providers who have to operate within budgets.

The other issue is regarding section 10, which speaks to regulations. I want to make a point that, as opposed to other social programs which are currently being administered by municipalities or regions, social housing is not being administered, nor will it be administered, by other than the people who own title to the buildings who are either cooperatives or private non-profits.

However, the fact that the cost allocation could be done by regulation rather than through a law which has a public consultation process attached to it means that we would be the recipients of decisions that are made without any kind of consultation, and that gives us great concern that essentially bureaucrats in Toronto could make decisions in the future that would then be passed down to municipalities that would then look to us for meeting those dollars.

I'm going to talk last about the issue of pay-for-say which you will presumably be hearing from regional and municipal politicians, and that isn't why I'm here. However, as a housing provider we're in a situation January 1, perhaps unlike other day care or welfare, where 100% of the cost is being sent to municipalities or regions and they're given absolutely no control over the distribution of that. You will hear that from them. However, the pressure will be on us in terms of those dollars.

As you know, the minister set out an advisory council to come up with recommendations on social housing reform. As a member of ONPHA, our association, I

support a lot of the thrust of the advisory council. However, a lot of work needs to happen before the programs are reformed and sent down to municipalities. We understand that and we support the idea of program reform and the idea that should happen before municipalities are given the responsibility.

However, this work will take some time. The minister is committed to that time and my question to you, and I guess my request, is that the government look at delaying the pass-through of the costs until that work has actually happened. It will put municipalities and therefore housing providers in a very difficult position in the coming year or two when the bills are being paid without any say as to the administration. I think that will affect the way we are able to operate as housing providers in a municipality and the way regional and city councillors are able to.

It will be a fairly heavy bill, as you know. Politicians don't seem to have paid too much attention to it in the upcoming election, but I'm sure we'll hear from it after November 10. I don't think these decisions should be made on the backs of people who will not have any ability to effect control, which are really the tenants in social housing who will be affected by this if municipalities start seeing that they are paying for a bill with no ability to influence the decisions.

Those are my comments to you this morning.

Mr Marchese: Thank you, Ms Boucher. I know you're concerned about access, but I'm concerned about the provision of housing. The federal Liberal government has got out of the field and wants to get out. The Tories are saying, "We want to get out," and they were very clear about that. Once you pass this responsibility down to the municipality, what's going to happen to the provision of housing? Who's going to provide non-profit cooperative housing for people who just can't afford the kind of housing that's out there?

Ms Boucher: I will venture to answer that no one will because the costs can't be borne on a property tax basis. As a matter of fact, interestingly enough, although housing hasn't been an issue on the political agenda for a number of elections, there has been some media coverage in the last couple of weeks, certainly in Toronto, in the *Globe*, calling on even the federal level of government to start reinvesting in housing, and as to the homeless crisis in our cities, wherever they are in Ontario, any city in Ontario will start feeling that pressure. My hope as someone interested in housing is that the pressure will go back up to upper-tier governments to do something because homeless people are on the streets of the cities in Ontario.

Mr Marchese: I'm not sure that will happen. Once you download it, when provinces and federal governments are wanting to get out, I'm sure that will happen, but I have a serious worry about that.

You talked about the advisory committee briefly. There is no role, it seems to me, for tenants to have a say as to how all of this is going to unfold and how that might affect them. They talk about pay-for-say for municipalities, which some like, but it seems to me the role of the tenant is not there. They're losing their say. Are you concerned

about that at all in terms of how all this will unfold and affect them?

Ms Boucher: We obviously are concerned. Our first reason to exist is to provide affordable housing for low-income tenants. If the work of the advisory council doesn't ensure that, then that will be a grave mistake.

Mr Marchese: Sure.

Ms Boucher: We'll have to wait and see. We, hopefully, are representing the interests of tenants in this discussion.

1100

Mr Gilchrist: Thank you, Ms Boucher, for coming before us here today. First off, let me thank you for your comments. I am pleased you support the idea of program reform. We certainly believe the current setup out there, with a myriad of programs, needs to be rationalized. Quite frankly, that will accrue as much to the benefit of the co-op operators and the non-profit operators as it will to any government. It's just plain too confusing out there. We hope that the six or more programs administered in this area will be rationalized down to two or three.

You mentioned the social housing advisory committee. I'm sure you're aware that the minister has agreed with the recommendations of that august body, and has in fact formed three subcommittees to now do all the deliberations you seem to be requesting here today.

I would just like to contradict one suggestion in your presentation. Social housing in fact began as a purely municipal function. For decades in the province, only municipalities built, owned and operated —

Interjection.

Mr Gilchrist: No, only municipalities with their own money did that, long before the federal government came along. In fact, in Toronto today, the city of Toronto still owns 15,000 units that aren't in any way related to Ontario Housing. That's something lost in the dim reaches of time perhaps, but it would not be correct to suggest the federal government started that.

I also certainly want to assure you that bureaucrats won't be making the decisions. Section 10 makes it very clear it will be the government that makes any decisions about the allocation of funds. You may not have heard, just this past week the Premier and the large urban mayors have agreed — well, the Premier agreed, that all the numbers, social housing included, will be referred to a neutral third party and audited so there's absolute certainty of the integrity of those numbers before they're passed down. You can have complete confidence that whatever it was costing to deliver social housing in this region will be exactly what is transferred to this region. Given the trade-off for education, there will be no problem with the municipality coming up with the dollars to fund that.

Ms Boucher: I'm glad to hear you say that. I'm not reassured when I read the section that says the minister has ultimate power to decide on errors in the funding mechanism. That to me indicates that if in 1998 interest rates for mortgages go up by a quarter of a percentage point, that number is going to change by billions of dollars across the province, and presumably those costs will be passed

down. I don't think the numbers for social housing or any other program can be fixed at a point in time.

Mr Gilchrist: It won't change one cent because your mortgage is fixed.

The Chair: Mr Gilchrist, we're running out time; if you would just conclude, please.

Ms Boucher: It's not fixed, sir. They get renewed every five years.

The Chair: Thank you very much. Unfortunately, our time has expired. We thank you very much for coming to the committee this morning.

OUR HOMES-CHEZ NOUS COALITION

The Chair: The next presenter is Mr McIntyre, who is the chair of Our Homes-Chez Nous. Good morning, Mr McIntyre, good to see you again.

Mr Dan McIntyre: Good morning, Mr Tilson. It's always good to see you, particularly since you became so neutral lately.

Mr Marchese: I can vouch for that.

Mr McIntyre: I believe the brief we prepared has been passed around, so I don't propose to read all that. The Our Homes-Chez Nous Coalition is a rather informal coalition, frankly. It was put together because of concerns that the government may wish to privatize non-profit housing. We dealt with that issue through 1996. Then all of a sudden we're dealing with the issue of downloading.

It's that "all of a sudden" that I think deserves some attention from this committee in that it certainly came as a surprise to everybody because there was nothing suggesting that housing was going to be part of any restructuring or downloading process. In point of fact I had an opportunity in October 1996 to be at a meeting with one of the ADMs and it certainly wasn't on their agenda. I had the same opportunity to be in a room with that ADM just two weeks ago and asked him, "Did you know anything about this when we talked to you last October?" He didn't know anything about it. I asked if there was any study, any piece of background material or anything that suggested this would be a good idea or something where people would have some public policy pluses. No, there wasn't. It just came all of a sudden.

I had followed as closely as many others the Who Does What commission, but I'm assured many times over that they certainly didn't consider it. The question becomes, where did it come from? I have to wonder about the attitude of the government throughout on social housing and the effect it has on tenants, which is my prime concern.

If you come to office with a belief that non-profit housing is a bad thing, that you want to get rid of it, that you want to get out of bricks and mortar, that you want to do this, that you want to develop a plan to sell it, and then you find out some facts that you can't do it, then it's like, "I want to get rid of it." It's like the unwanted child of the government. Instead of being a policy decision, it becomes a political decision based on beliefs and philosophy of non-profit housing.

The problem is that you put tenants at risk because of a number of things we point out in the brief, and Councillor Munter has referred to it and Catherine Boucher has referred to it, that if things change, then the tenants will be at risk. If the government is wrong, and I happen to believe it is, that this is revenue-neutral, then there's going to be some backlash. A property taxpayer is going to say, "Why am I paying property tax for housing I don't live in?" They're going to wonder about that.

I have absolutely no problem with this government saying, "We're not going to build any non-profit housing." They were clear on that. They got elected anyway. Fine. But governments do change and what this does is it means that in the future a government can't revisit the issue and say: "Look, we have 8,000 people on a waiting list in Ottawa-Carleton. What are we going to do about it?" That's a municipal responsibility now. Municipalities relying on property tax, the most regressive tax, particularly compared to income tax, are going to say, "Yes, we'd like to do something about it too but we can't raise the startup money to do it." So the risk we find ourselves in is too much to take. It is not good process to just throw this into the mix. I find it somewhat ironic that this is schedule F of the bill. I'll give the government F on housing. It obviously was a throw-in. It looks like a back-of-an-envelope idea.

Even if there is something to this, that is, that it would be a good idea, where's the beef? Where's the backup? Where is the process and time that it takes? Yes, there needs to be a disentanglement exercise and everyone is clear on that. Yes, there may be too many programs. Yes, there can be improvements. Yes, people who work in the field are ready and willing to get down to making those improvements. But what we have here is a blind pass of a misunderstood issue by one government to another. Who's at risk? The 20,000 households in Ottawa-Carleton who live in social housing, the 8,000 households that are on the waiting list, and the thousands of others who qualify but feel it's hopeless to even try to get into social housing.

I was interested in the comment that this was a municipal responsibility. I guess the question is, why did it stop being a municipality responsibility? Somebody back then got a brighter idea and made the move.

I'm asking, futile as it might be, that the government withdraw at least schedule F of this bill, go back to the drawing board and work with the folks who know the issues. If we can come up with a better system, we're all for it. We'd love to work with the government on that, whatever political stripe they may be.

Mr Cullen: Thank you for that presentation, Dan. Good to see you again. I particularly take note of your comments. I believe the region has done a housing affordability study, or a study of the housing situation in Ottawa-Carleton, and its staff has decided and council has adopted it, that indeed there is a housing crisis in Ottawa-Carleton, particularly with affordability. We don't see how municipalities are going to be able to move ahead and even meet that need when they're trying to manage all

these responsibilities from property tax. The parliamentary assistant will correct me if I'm wrong.

One of the issues that people in the social housing community are concerned about, because social housing is part of Canada's social safety net — it is affordable housing for those who can least afford market rents — is that if municipalities do get control over social housing, we'll end up with a checkerboard Ontario, with different standards for rent-geared-to-income, for accessibility, for eligibility, and that when the crunch comes for programs that they must pay, such as social assistance, they will seek to extract money from rents.

1110

The parliamentary assistant can correct me if I'm wrong, but I believe the minister has now committed himself, as a result of the Advisory Council on Social Housing Reform recommendations, to a provincial standard on eligibility, to a provincial standard on accessibility and to a provincial standard on rent geared to income. This, I believe, will be a very necessary first step in terms of ensuring that this housing stays affordable. Is this something the government should be pursuing?

Mr McIntyre: If they're going to go ahead with such an act, there ought to be guarantees written right into the legislation. The point is that even with those guarantees, there's going to be some backlash. As an option, you can certainly look at cutting the capital spending on 30- and 40-year old projects that are now due for some retrofitting and restructuring and fixing.

When you create a bunch of stress — I don't know if anybody is an engineer; I'm certainly not — something has to give somewhere and the bridge collapses. What's happening is that there's an entire amount of stress. I'm not going to come in here as a housing advocate and say: "Make sure the bridge doesn't collapse on housing people. Make it happen on people living with AIDS or some other group that could be affected by cuts into a program." By creating the stress, they put so many folks at risk.

Even the guarantees, quite frankly, aren't sufficient, but given second reading, that's the best we might be able to get done. But put it in the bill.

Mr Marchese: Are you aware of any municipal jurisdiction in the world that has full control of housing?

Mr McIntyre: No, but I can't say I've done a study of that.

Mr Marchese: There's also something I have learned along the course of this, and that is that the federal government — once their 35-year agreement is over with a co-op or a social housing project, those subsidies will no longer flow to the province or municipalities. That is, once it's over, it's over. Somebody has to pick up the tab of the operational dollars, including whatever subsidies flow from the federal government's role. If these people pass it down to the municipality, who's going to pick up that cost down the line when those agreements are over? Do you have a sense of that?

Mr McIntyre: The natural evolution is that the property taxpayer will somehow pick it up, or the tenants themselves through massive rent increases on people who

can't afford the 30% ratio, let alone anything more than that, or are living paycheque to paycheque as it stands. There's not a big answer to that.

The fortunate part is, once mortgages are retired, that's usually a good thing. If you're a homeowner and your mortgage gets retired, you have a little party. At the same time, if you've got to reinvest in the unit by fixing the roof and redoing all the internal parts of the house, then you may need to refinance. Who's going to refinance that work at the time that it's most crucial to do? It's a crap shoot and that's the problem. We may all be able to breathe easier 35 years from now, but why take the chance? It's not responsible to put that risk in the game.

Mr Gilchrist: Thank you, Mr McIntyre. Good to see you again. Let me just quote to you from —

Mr McIntyre: I don't know as much about this as I do about rent control. Let me start off with that.

Mr Gilchrist: Okay, fair enough. You were very honest in your answer to Mr Marchese. He likes to ask those leading questions about whether people who come and speak from their own perspective know worldwide the issues of social housing.

Subsection 3(2) says: "Nothing in this act affects rights or obligations under an agreement or memorandum referred to in subsection (3)" — which details all the different operating agreements that could exist — "that is made between, (a) a non-profit corporation...or another landlord" and the ministry.

Furthermore, in subsection (3) it says: "Nothing in this act affects agreements respecting supplements to the geared-to-income portion of rents."

Mr McIntyre: Two points —

Mr Gilchrist: Let me just finish my question to you, if I may. It seems to me that's pretty cut and dried. That makes it very clear that the only issue that's being affected in schedule F is the funding. We have said that all the other issues surrounding the rights and responsibilities of tenants and the obligations of non-profits and co-ops stay exactly the same. Municipalities will not have a choice in the matter. The agreement is the agreement.

The province, by the way, will still be the guarantor on the mortgages. That doesn't change by this act. We heard from Mr Munter earlier today and we keep hearing these suggestions, whether it's public health or social housing, that somehow councillors, when faced with choices, as they always have been, are going to leave these issues by the wayside. Could you tell me here today, as we approach the next election, which councillors you believe do not have a social conscience and will put a higher priority on potholes than they will on social housing? Conversely, would you not accept that if the province says it is the law and all the other contracts stay the same, municipalities will maintain the standards as they are today?

Mr McIntyre: First of all, Mr Tilson would be glad to remind me that I don't have parliamentary privilege so I had better watch what I say about any other individual. Second, Mr Marchese's point is about the end of agreements. Third, there is lots of play within the agreements. Your government has, for example, ratcheted back the

operating funding to non-profits over the last couple of years and that has caused some stress within the non-profit housing community.

The other thing is that if you're talking about next year, this is straightforward; you're just running a tab that municipalities have to pay. But once they get pay for say, there's going to be stress within the system, an inability to grow and an inability to handle new things, and that kind of stress is not necessary as a public policy move. I appreciate the point you make that there are some standards in place and the advisory council is making some things.

Mr Gilchrist: They'll be very strict standards.

Mr McIntyre: The last year has seen a little bit of good work being done, particularly by the advisory council. But we're talking about the legislation today and the move to download, and what I'm saying is that if you as a practitioner of politics were to say, "What if the other side is right?" as I try to do once in a while, then you have to wonder where the bough is going to break?

Most of us have seen the same sets of numbers that indicate various discrepancies. I've tended to buy into the \$80-million difference at the regional level here for next year. Eventually there's going to be a backlash. Unfortunately, it's sad to say there's a lot of backlash right now against low-income people in our community. You've cut the social assistance rates by 22%, your Treasurer has said that the minimum wage is artificially too high, and there are a number of other things that scare us in terms of how low-income people are going to cope. I can say to you that I hope I'm wrong, I hope this thing runs smoothly, but if I were in your position, I would be saying that as a public policy matter it is bad policy to take this kind of chance and put these folks in jeopardy and pass the ball, pass the buck to somebody else who only has the ability to raise revenues through a very regressive tax, a very unpopular tax, the property tax.

The Chair: Thank you very much, Mr McIntyre. As usual, you have represented your constituents well. On behalf of the committee I thank you for coming this morning.

CARLETON PLACE/RICHMOND AMBULANCE SERVICE

The Chair: The Carleton Place/Richmond Ambulance Service will make their presentation now: Jim McIsaac, the owner; Alan Barker, the former owner; and Brian Costello. There's a fourth person. I trust you'll all identify yourselves when you speak. I thank you for coming.

Mr Jim McIsaac: Thank you very much, Chair, and members of the committee. I am Jim McIsaac. I own and operate Carleton Place/Richmond Ambulance Service in Carleton Place and Richmond, Ontario. I have worked in this community for 24 years in the ambulance field. I am married, with two children, and am a lifelong resident of Carleton Place. I employ 28 employees in my service.

I am joined by Mr Alan Barker, the former owner of this ambulance service. Mr Barker has been in the ambulance business since his discharge after the Second World

War. He started the ambulance service in Carleton Place and operated solely until his retirement in 1991, when he sold his business to me.

We are also joined by Mayor Brian Costello of the corporation of the town of Carleton Place and also chair of the Lanark county emergency services transition team. Mayor Costello is well acquainted with both Mr Barker and myself and the operation of the ambulance service under Mr Barker's and my ownership.

On my far right is Mike Chrétien, the new owner of Rockland-Orleans Ambulance Service. He just purchased it recently and has great concern about this bill as well.

The focus of Bill 152 is, I believe, to improve services and increase efficiency. The changes proposed to the Ambulance Act in my opinion will not achieve this end. I believe, as do my supporters here today, that we already operate an exemplary service in our communities and that the changes will only replace me as owner and operator of this service and transfer the right to the upper-tier government without compensation.

I have some serious concerns about the amendments to the Ambulance Act contained in Bill 152. Several areas of the proposed legislation are designed to nullify the existing private ambulance owner's right to the equity or goodwill in his ambulance service and licence. I list several examples of the changes.

1120

Section 1: The definitions section of the Ambulance Act has changed from the existing, which states, "'operator' means a person or corporation that owns and provides an ambulance service and 'operate' has a corresponding meaning," to the proposed, which states, "'operator' means a person licensed to operate an ambulance service under this act." This definition would appear to simply remove the existing word "owns."

Additionally, under section 5, "Order of minister" in the existing act says:

"(1) Upon the request of the council of a municipality, the minister may, where he or she considers to do so would provide an improved ambulance service to the public, by order designate the council of the municipality as the sole authority to operate an ambulance service in that municipality.

"(2) Where the minister makes an order under subsection (1)...

"(b) the municipality shall pay to any person required to cease operating an ambulance service as a result of the order such sum of money by way of compensation for the value of the ambulance service to the operator as is consistent with the principles of law and equity."

Where agreement cannot be reached as to the sum of money to be paid by the municipality under clause 5(2)(b), there are mechanisms in place for arbitration.

The present regulations speak to sale and transfer of the ambulance service having to be approved by the minister, and in addition that the person named in the licence is the owner and operator of the ambulance service.

In the proposed changes in Bill 152 the abovementioned parts have been repealed.

As you can see by these examples of the changes implemented in Bill 152, the government wishes to expropriate my ambulance service, equity and goodwill by simply removing any reference to my ownership, right to sell or right to compensation. This is unfair. Under the current provisions of the Ambulance Act an operator's licence may be revoked, suspended or refused renewal only for just cause or where an applicant has contravened the act or terms or conditions of the act or regulations.

Once again you can see this would open the possibility to enable any provider to enter the marketplace, with no financial cost to them, to provide this service and take my business, which I and other operators have historically had to purchase to operate and which has had an assessed value from which services and licences were bought and sold in the marketplace. Of note is the fact that the management compensation paid to private operators has not been changed since its inception in 1980. As far as ownership is concerned, indeed even the government has bought private ambulance operators in the past. In fact, one of them, Smiths Falls Ambulance, Ministry of Health, is now being divested by the government after they purchased it in the early 1970s.

If this contracting scheme is to advance, I believe that first we must have compensation for our businesses before this is to come about. By this I mean that the government expropriates licences and pays a negotiated compensation to each private operator to cease operation, as has previously occurred in the province with ambulance services as well as dispatch services. We would indeed then have a level playing field. Without this, we private operators would surely launch a legal appeal based on these facts and the over 27 years of precedents.

But the government has one more addition in Bill 152, in particular subsection 6.4(9), which states:

"No action or other proceeding for damages or otherwise and, despite section 2 of the Expropriations Act, no claim for loss of business or goodwill under that act shall be instituted against an upper-tier municipality, the crown or any officer" etc.

I am sure you are all already familiar with this section. This article, if passed, would seem to legislate away the right to appeal. It is my opinion that this proposed change is contrary to the principles of fairness and equity found at common law.

The wording in Bill 152 seems to strike down those parts of the legislation on which we as operators relied to create and operate our business. It must be remembered that operators are required to establish and maintain a significant line of credit, secured by personal guarantee, for the normal cash flow situations.

Our private ambulance operators have throughout many years taken personal pride and personal cost in ensuring that our communities received the best pre-hospital emergency care possible under the funding that was available. After my 24 years, and Mr Barker's almost 50 years of dedication, hard work and commitment in the town of Carleton Place, I find myself on the verge of non-compensated expropriation and bankruptcy, which will

surely follow due to the loss of equity and residual unfunded liabilities. I feel that the above articles recognize that I have equity and thus attempt to shield the government from simple fairness through compensation.

I still want, and plan to be, the ambulance provider in our community for years to come. However, without changes it could all end on January 1, 2000.

My association, the Ontario Ambulance Operators' Association, in conjunction with the Ambulance Service Alliance of Ontario, has prepared a position paper as it pertains to the amendments to the Ambulance Act through this legislation, which you have already received. I ask for your understanding and support of my concerns, particularly in this expropriation issue, but certainly as well as the residual employer liability and additional concerns regarding seamless coverage.

I thank you for the opportunity to speak. Mayor Costello would have a few words and then any of our members, including those in the back who are supporting us, would be happy to answer any questions.

Mr Brian Costello: Thank you. It's always nice to be among friendly people who are in the elected official business, as I am.

We understand that you bear a heavy responsibility, and I appreciate your kind welcome. I've been around a long time as an elected official and for a long time we have wanted municipal change in Ontario.

In the course of my education I've served as councillor, deputy reeve, reeve, and warden of the county. My vocation has been in search and rescue and I have spent a life in the emergency response system.

We are an approved, reformed and restructured municipality within the meaning of the government's municipal affairs branch. This last year I have been spending an extensive part of my time as the chair of the emergency response agency's panel of Lanark county in the transitional services review committee studying police, fire and land ambulance, and it is in the land ambulance panel that I would like to address a few remarks.

The first is that after close system analysis to the best of our ability at this time we simply fail to see, nor has anyone definitively shown, how downloading the land ambulance system to the municipal tax base will make the service delivery better. The Crombie report, the Ministry of Health, the ambulance services themselves, the AMO, even Gardner Church, have all gone on record that this should not have been passed down. What we have is a political decision caused by an accounting exercise.

In our analysis, if we have to deliver these services they will have to be organized along much greater catchment areas, nothing to do with municipal boundaries. Every argument indicates this service should remain at the provincial level. The question simply is this: If the municipal sector, and we are getting together as the urban heads of municipalities, can with a proper system analysis show clearly that the delivery of land ambulance services should remain at the provincial level, will this committee report to the government that they should take part in a municipal

sector systems analysis for the best delivery and payment for the land ambulance system in Ontario?

The Chair: That concludes your remarks, gentlemen?

Mr Costello: I hope so.

The Chair: Okay. Mayor Costello, thank you very much. Mr McIsaac, we have time for questions and we will begin with the New Democratic caucus.

Mr Marchese: We thank you for your presentation. Chair, how much time do I have?

The Chair: I'm going to divide it among yourselves and the government caucus.

Mr Marchese: The government says that the status quo is simply not good enough, it's not working, and that's the language they use in almost everything they do, so presumably some of you folks are just not ready for this or you just don't want it. They're also saying that the municipalities can do the job well, that you shouldn't have to worry about that, "as well as we are doing it at the moment." That's one part of the question.

The other question I have is on the issue of compensation. They also argue, as the Conservative Party — it's not us, it's them arguing this — that they have no legal obligation. You have a contract, it's coming up and they're giving you notice, so it's fair play. How do you respond to the fact that there is value in your licence and value in the capital investment you put in and they're telling you: "We have no legal obligation. We're giving you notice and you should be happy with that and then compete with the rest of them." These are the two questions.

Mr McIsaac: I think the reason I brought along Mr Barker is to illustrate the point that this is not simply a matter of a licence coming due and, "We don't need you any more." This service was started by Mr Barker in Carleton Place long before the government ever became involved. This service has always been operated as a private, independent ambulance service. It's always had an assessed value and it's always provided an excellent service. I don't think anyone here will disagree that we provide a good service, always have. We've worked, under the current legislation since 1970, under a very heavy-handed Ministry of Health that basically had us working as managers of the system for a very moderate management fee and putting in 24 hours of our lives. I don't think you can speak to anyone who knows us who doesn't know that we put 24 hours of lives into this and all of a sudden we're just expendable. We've had to have personal lines of credit. I'll let Mr Barker speak.

1130

Mr Alan Barker: I was the operator of the ambulance service in Carleton Place. In fact, I did my first ambulance call in 1937, so I've been around for a little while. I must have been a bear for punishment because I carried on until 1991. In 1991 I decided, with the approval of the ministry on the price of the ambulance service, to sell the ambulance service to Jim McIsaac. Jim made me a substantial down payment and over five years made payments to me, that being my pension plan because I had to live. On retirement, that became my pension plan.

As I read the act that Jim gave me, I would honestly believe that the hierarchy in Toronto has decided that my work was not worth anything, that they can take over the service for which Jim paid me in all honesty, and they said: "You don't need a pension plan. We're just taking this over, Jim. You run it."

I also watch Hansard and I noticed not so very long ago where there was a great to-do over your pension plan in the House. I think it was agreed at that time among all of you, "A deal is a deal, and certainly it was a lucrative deal, so we're going to cut back on it, but your cheques are in the mail." It disturbs me. I feel as if I almost sold under false pretences to say to Jim: "You pay me X number of dollars now. You work your head off. You pay me monthly for five years." Then two years later the government says, "What you bought, Jim, has no value." I don't understand it.

The Chair: Gentlemen, I know the government and Liberal caucuses would like to ask you questions, but unfortunately our time has expired. We thank you very much for coming this morning and giving your comments to us.

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

The Chair: The next presenter represents the regional municipality of Ottawa-Carleton. We have the regional chairman, Peter Clark, and Merv Beckstead and Kelly McGee. Good morning to you all.

Mr Peter Clark: Good morning, ladies, gentlemen and members of the committee. Allow me to take the opportunity to welcome you to Ottawa-Carleton.

The Chair: It's good to be here.

Mr Clark: Last week the regional chairs of Ontario met with the Premier to discuss financial implications of provincial downloading. He assured us the transfer of services would be revenue-neutral, so we're encouraged that regardless of the numbers, local taxpayers will not face a new financial burden for new services that are intended to be delivered locally. Numbers aside, Bill 152 will set the ground rules on how we will deliver those public services and, as such, I believe Bill 152 must reflect both provincial and regional priorities.

From the Common Sense Revolution, accountability is what we're trying to achieve here, and I believe that any new legislative framework must reflect and acknowledge the proven ability of upper-tier municipalities to deliver cost-effective, accountable and responsive services. We must move forward, recognizing the need for flexibility, local decision-making and stability for both the providers and users of these important services.

On January 1, 1998, as a result of the so-called mega-week, Who Does What and all those other things, including Bill 152, the regional municipality of Ottawa-Carleton will be responsible for 80% of the municipal services on the tax bill. On January 1, 1998, Ottawa-Carleton must be accountable not only for the property tax bill the residents receive but for every other aspect of the services that we

manage and deliver with those tax dollars. To be accountable we must be responsible, and to be responsible we must have the necessary legislative framework to truly make decisions that go beyond passing the province's invoice on to the taxpayers.

While going a long way in clarifying the division of responsibilities, Bill 152 does not provide the necessary tools to comprehensively deliver these services, and it does not guarantee that we will be consulted when these service decisions are made. While the province has an obligation to protect true provincial interests, we have a responsibility to show our citizens their property tax dollars are wisely spent.

We also have to demonstrate accountability at the local level for the services provided. It's our responsibility at both provincial and municipal levels to ensure that the combination of legislative tools addresses certain fundamental principles, and they are:

Pay for say: We must do more than just pay for the services in January 1998. We must be directly involved in critical decisions impacting structure, cost and evolution of these services.

A seamless transfer: For transitions in land ambulance, social housing, public health and child care, decisions on administrative and service delivery changes must be subject to municipal concurrence and clearly in the best interests of taxpayers. In other words, somebody in a nameless office somewhere in Toronto setting on-the-ground policy or specifics of how to deliver the service isn't going to get us the best bang for the buck. That's what we're about. Mutually, we're going to try to put these services down here where we know they can be delivered more efficiently and more cost-effectively.

Stability: We must see in the legislative framework clear language supporting the importance of stability to all stakeholders. It's not there. The public is demanding easy-to-understand, accountable government. Our residents must clearly see who is accountable for the life cycle of any given circus — service — circus, that's what it's been; a Freudian slip — and understand how and to whom they can provide input. If you don't respect these fundamental principles, pay for say, seamless transfer, stability and easy-to-understand accountability, the public will lose faith in the decisions and municipalities won't have the necessary tools to truly respond locally to service delivery and financing issues.

Over the past week there's been much speculation and debate on the financial impact announced over the last 10 months. I have faith in Ottawa-Carleton's ability to rise to the challenge, whatever the final figure is, understanding of course that if it's new services, the province is going to pick up the shortfalls.

The key to the work ahead of us now is the legislative foundation on which this is going to happen. Whether it's a new Municipal Act or Bill 152 and the other cases, there's a raft of bills in front of the House. Bill 152 presents several challenges for us: integration of ambulance services and financing at the regional level; 100% responsibility for financing and delivery of public health pro-

grams; new financial responsibility and the likelihood of an administrative and ownership role in social housing. These are big, big programs. Ambulance is not so big, but the others are very large. If we're going to become financially responsible, why is the provincial government proceeding today with the devolution and contracting out of their share of a provincial service during that two-year transition period?

Bill 152 must not only spell out transition from financial responsibility to full control but must also legislatively guarantee that the municipalities are at the table and meaningfully involved in any decision that impacts either delivery or cost of the service during transition. We found out just this month that there's somebody going to change the Ottawa-Carleton regional ambulance service in December, when we're supposed to start paying for it in January. We have some difficulty understanding that. Bill 152 should be amended to include a provision that after January 1, 1998, the province will not do anything to change the existing service delivery or costs of land ambulance without prior approval of the municipality that's paying the bill.

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Social housing: Bill 152 speaks to the transfer of financial responsibility. While accompanying documents speak to the transfer of administrative responsibility over the next two to three years, the bill doesn't say anything about that. If this decision has been made, why is it not reflected legislatively? In other words, the date of turnover should be critical if there's going to be anybody saving any money on this dossier. Why not provide both the municipalities and the housing sector with some degree of stability and a context for the coming years? It speaks to accountability of the transition in administrative responsibility for land ambulance. Why not also in housing?

How can we have a meaningful debate on legislative tools around social housing issues when we only have half the information in the bill? The proposed changes must be considered in the context of the report on the Advisory Council on Social Housing Reform and Minister Leach's speech in response at the Ontario Non-Profit Housing Association. In his speech he states that the province's goal is "one-window access to all social services including social housing." I would ask this committee and the minister to remember that social housing is not solely for the benefit of those on social assistance. A significant percentage of social housing tenants do not receive and never will receive social assistance.

It should not be amended to impose this one-window approach. Any decision regarding the model of social assistance and social housing is a local decision and shouldn't be dictated by the provincial government, in particular if you expect us to be accountable. The system has to be reformed and it must be improved before transfer. We have a vested interest and an absolute right to play a role in that.

Public health: We hope that in the legislation you'll recognize our taxpayers' inherent right to have input into their priorities and structure of public health services.

Finally, we support change. We've always supported it. Our concerns about the financial ramifications for the local taxpayer — not just us; it's been across the province. I show you a brochure I got from Halton: "The province is driving up your property taxes and that's not fair." An even more violent type of propaganda or negotiating techniques were used by Peel that made the Premier particularly happy. We haven't done that, but we have certainly raised the notion that unless we get agreement on the numbers and unless we get agreement on responsibility, this isn't going to go away.

It isn't a question of not trying to pick up a fair share. We agreed with the Premier last Friday that the 660 million municipal dollars he wants to help get back to a balanced budget is fair. But we want to hold the province and ourselves to a high standard of proof that change is good for our residents, and the tools of change will further our mutual goals — yours and mine — for a better, simpler, more accountable, more understandable, more cost-effective and more responsive public service. We can achieve that but it must be reflected in the legislation.

In the words of Minister Leach, the devolution should provide municipalities with "the freedom to get the best deal...and the flexibility to use their common sense." Though speaking about social housing, it's applicable to everything in this bill. We are concerned. We're concerned about achieving good results from this government's initiatives.

The Chair: Thank you, Chairman Clark. We have time for questions from two caucuses.

Mr Gilchrist: Mr Clark, I appreciate your coming before us. I genuinely want to thank you for, at least implicit in your comments, the belief that the Premier and the minister can be taken at their word and this will be revenue-neutral.

Mr Clark: He is not going to like the results if it isn't.

Mr Gilchrist: But that's a political reality, and I can assure the Premier would recognize that. I appreciate the fact that many of your staff came out to the briefing a week ago and any questions that we couldn't answer for them there, we certainly will be getting back to them very promptly.

The basic premise in your comments here today, if I may distil it, seems to be that there are a couple of issues where we're asking you to take on the funding responsibility but not have the direct control on day one. Recognizing that we were taking \$3 billion worth of costs, the tradeoff had to be \$3 billion on the other side; that faced with an \$11-billion deficit, \$100 billion in debt, there was just no other option. The province had to have a trade that was revenue-neutral. That's why social housing and land ambulances are in there.

It is purely because we recognize the fact that you and other municipalities want to have input in shaping the local delivery once you have that control that we've built in the time frame. In the case of land ambulances we were very specific: We've said two years.

Social housing I think is a very different kettle of fish. The time frame the minister has laid out is six months for

the review of the recommendations of the advisory committee on social housing, and then hopefully by the end of the first year to actually transfer.

Mr Clark: What's the question?

Mr Gilchrist: Do you see that as a realistic time frame or do you believe it should be shorter or longer? I'd sort of like to take that back to the minister and be able to respond.

Mr Clark: The minister said to me he could turn it over from day one, although he hasn't really acted on that. While I could be supportive that there needs to be revenue-neutral, it's the municipal sector's view that it didn't come close to being revenue-neutral, and that's what most of the argument has been about. The Premier has now agreed that an independent third party like the Provincial Auditor should sit with both sectors and finalize the numbers, and that the government is committed to picking up whatever the shortfall is. So it's not \$3 billion off and \$3 billion on; it's \$3 billion off and \$4 billion on, and we need to solve those. That's not a problem. The Premier has agreed to do that. It may not be \$4 billion; it might not be \$3 billion. It may be some other number, but the number will be agreed.

Mr Cullen: I know the region has been very active in informing its constituents about the implications of mega-week, and I'd certainly be willing to share this with my colleagues here.

I am concerned. In the past year and a half regional council has said, first of all, that social housing and social assistance programs should not come off property tax. I know that regional council has cut about \$35 million from its budget, has had to lay off about 300 staff, has had to raise bus fares, roll back per diem rates on child care centres, has tried to claw back money from contracts, yet we're faced with a document being put out by the government that claims that over the next three years the region will be able to find 2.3% in savings, about \$105 million. Then we have, as well, the vulnerability of regional government to any recession because of the increased exposure on family benefits, which will double the cost.

How can this be achieved without reducing service? Can it be achieved without reducing service?

Mr Clark: I can give you a one-word answer: yes. But I think there's more to it than that.

Mr Cullen: It's hard to believe you can do \$105 million without losing service.

Mr Clark: Wait a minute, do you want me to answer the question or are you going to do all the talking?

Mr Cullen: I can do all the talking.

Mr Clark: You're not at the council table right now.

Mr Cullen: Mr Chairman, I'm more than happy to do all the talking here, but I am asking the questions.

Mr Clark: I would like to finish my statement. Clearly there is a need to look at what the impacts are. I suppose if we cut a little bit out of capital spending here and a little bit out of debt service charges there, no, it won't affect services. We've been doing that for six years. We have absorbed \$75 million worth of provincial cost transfers since 1993.

Mr Cullen: And that hasn't affected services?

The Chair: Mr Cullen, please.

Mr Clark: Clearly we've adjusted some policies, which means there may be a little more congestion, which I guess is a service thing, but it's a conscious political decision too.

The other issues surrounding that are that when we get further along this path in terms of where we're going, I think we can absorb the \$17 million without having any real impact on the service levels here. That's what the Premier said was all he was looking for. We've agreed, "Okay, if that \$666 million is all you want, Mr Premier, let's shake hands and go away."

Mr Cullen: No change in service levels?

Mr Clark: No change in service levels. I can tell you that if I get hold of the FBA and GWA integration, we'll save \$10 million, and the amount he has to pick up is less and that kind of stuff.

The Chair: Chairman Clark, unfortunately our time has expired.

Mr Clark: Oh, no.

The Chair: I know. It's tough. We could go on and on. Unfortunately each delegation is only allowed 15 minutes, so thank you kindly, sir, for coming.

Mr Clark: It was a great pleasure, and thanks once again for being here.

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CANADIAN UNION OF PUBLIC EMPLOYEES, HEALTH CARE COORDINATING COMMITTEE

The Chair: We are in a hearing, ladies and gentlemen, so could we have order. The next delegation is Michael Dick, the representative of CUPE health care coordinating committee. Good morning, Mr Dick.

Mr Michael Dick: Good morning and thank you. As introduced, my name is Michael Dick. I am an ambulance paramedic from Ajax and Pickering ambulance service. I have been working in the ambulance profession since 1979. In 1978, I attended Conestoga College of Applied Arts and Technology in the ambulance and emergency care program. After graduation I went on to work for Whitby ambulance service in Durham region. I was young, eager and excited about being part of an important public service.

Since then there have been substantial changes in the profession, which I am proud to have been part of. We have continually been working on improving the service that we provide to the public. Every year I participate in upgrading and training programs that have been developed through the Ministry of Health. We are constantly upgrading our skills, and I feel that this gives me the confidence and skills to perform my job to the best of my abilities.

Throughout my 17 years in the field, I have witnessed the system go through many improvements. In April 1995

I personally was trained to the level of paramedic 1. This now allows me to administer life-saving procedures in the field, procedures which have proven to save lives. It gave me great pride recently when a person whose heart had stopped and whose life had been saved by our paramedics came to my station to thank us personally for the work we had done.

I have listened carefully to some of the other presentations to this committee which have explained the effects that Bill 152 could have on the current ambulance system. I have tried to grasp the purpose of this bill and I cannot understand why our government would be doing this. No matter how hard I look at it I can only see that this bill will have devastating effects on our current ambulance system. I am very concerned with what I have heard.

It's ironic that this government is giving tax breaks in 1998 and downloading ambulance service funding at the same time. In our community paper they are saying that municipal taxes will increase far more than the provincial tax break. I believe that the government is going to cause our property taxes to be higher in order to live up to their election promise of provincial tax breaks. It surprises me that they are not living up to their election promise of no health care cuts, because I think that's exactly what Bill 152 will do.

If Bill 152 passes, some municipalities may not be able to afford the current level of paramedical ambulance services. My friend who lives and works in Blind River has the same qualifications as I, drives an ambulance like the one I drive in Ajax and Pickering with the same quantities and qualities of equipment. It saddens me deeply that his small community may not enjoy that with the changes that this government is legislating. In fact who's to say that they will even have an ambulance service in Blind River or the smaller communities if Bill 152 passes. When I vacation to the north, will I be able to rely on a high level of ambulance being close by if I require one?

It also opens the door for American-based services to fool municipalities into believing that they can operate for less money. This could put the residents of Ontario in grave danger. Today there is no profit to ambulance operators. The \$45 collected is reinvested into the health care system. The money sent to the hospitals would most likely be eliminated and could result in additional hospital layoffs. The Americans would not come to Ontario if they were not expecting to make profits. Rural Metro, which is an American-based ambulance company, have said that they believe this government is making changes that will benefit them. Earlier this summer I saw Rural Metro interviewed on TVOntario and they stated we should have an American style of ambulance service. They also said they would pursue having ambulances delisted from the health care system. According to Rural Metro themselves, the average bill for the Ontario residents would climb from \$45 today to \$500 or \$600. This would be for-profit health care.

The municipalities will not have the bulk buying power that's enjoyed by the Ministry of Health today, which will also increase the ambulance budget in my community and

others. It may also allow for substandard purchases. Will the less fortunate regions be forced to purchase used vehicles while the rich municipalities will have newer and improved vehicles?

I live in a region that may be able to fund an ambulance service through tax increases. If this does happen through Bill 152, will we still supply coverage for Metro Toronto and Peel region, as we do today? If we respond to calls in the other regions, as we do today, will there be a cumbersome task to bill the services back to those other municipalities?

The city of Mississauga had a major train derailment years ago which caused the evacuation of a very large area of the city. We responded an ambulance from Ajax to Mississauga to help with their disaster situation without any red tape or chargeback, as it was not required under the current system. With Bill 152, I don't think our region could afford to send a vehicle or contact the personnel required to approve such responses in a timely fashion.

I cannot believe this government is going to make these changes to the health care system without in-depth research. Although the government did commission the Crombie report that stated, "The province should continue to fund and control ambulance services province-wide," it seems this government will do anything it wants and not listen to anyone's advice, even if it does preserve the high level of care provided today by our paramedics.

I have heard that Bill 152 will lead to the contracting out of ambulance services. What will happen to my colleagues and I if in two years our ambulance service is contracted out? Even if we are fortunate enough to keep our jobs two years from now, our jobs and our livelihood will be at risk every time a contract is renewed. This is no way to treat people. I have 17 years of service to my community. Some of the people I work with have many more years invested in their careers. If our jobs are contracted out, there is no protection for ambulance workers. I feel this is wrong.

We are normally a quiet bunch, but we have now realized that this government does not care about the quality of health care with equal access to all. My colleagues and I believe we must alert the people of Ontario of the dangers contained within Bill 152. I feel it is our responsibility as professionals to inform the public of this ill-thought-out policy which puts dollars before lives.

I would like to leave here today with hope that this government might realize the grave error it will make if Bill 152 passes. I strongly urge you to withdraw schedule A of Bill 152, as it is a bill that dictates who pays what, not who does what.

Mr Jean-Marc Lalonde (Prescott and Russell): Thank you for coming in front of this committee this morning. I surely understand your concern. I also understand the concern of the Ontarians who are aware of this Bill 152. At the present time, do you feel there are going to be different standards across the province when this is transferred, by the year 2000?

Mr Dick: I definitely think that would happen.

Mr Lalonde: Even though the government is saying it's going to be revenue-neutral — I'm looking at Ottawa-Carleton at the present time. The estimate by the government to operate the ambulance in Ottawa was \$6 million at the beginning. In Prescott and Russell, which only has 10% of the population of Ottawa, it's \$2.8 million. They were saying \$6 million. Now they're saying \$14 million. My cost, when I figure everything in, is it's going to be \$22.5 million to operate the ambulance in Ottawa.

The average per head in Ontario is \$30.45 to operate the land ambulance. The government is saying at the present time it's going to be revenue-neutral. Surely they might be coming down with this; they are going to reduce the services. I heard on the radio yesterday in Quebec — not in Ontario, in Quebec — they decided to send people to Montreal hospital by taxi because it was going to cost too much to send them by ambulance. I think this is what's coming to Ontario. People won't have any choice. If they jump in an ambulance, there might be a cost of between \$103 and \$110 for the service call and then \$1.25 per kilometre if you are in a rural area.

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You do feel yourself that it is going to be a different standard across the province. If you are living in an urban area, definitely you're going to have good service because the population is there, but if you're living in a rural area just forget about service.

Mr Dick: Definitely.

Mr Lalonde: The municipality won't be able to afford this cost; \$2.7 million is impossible for us in Prescott and Russell. Just in the last two days it increased by \$100,000 at the present time.

Mr Marchese: I thank you for your personal presentation. It's always important because you are the folks who have the perspective on these issues. Much of the time we don't.

Mr Dick: Quite frankly, it scares me to death.

Mr Marchese: It scares you and many of the public as well, and I think people share that fear. But you touched on one of the reasons why I believe this government is headed in this direction and why they really can't withdraw the schedule. It is the income tax cut.

You see, with the low interest rates, with the economy which has picked up giving these guys more money into the coffers and with the \$1 billion worth of cuts that they have already initiated, the deficit should have been pared down dramatically. But because of the income tax cut, three quarters of that already having gone out, there's just one little quarter left, they've got a problem because they have to borrow approximately \$2 billion to \$3 billion — some estimate more — to service that income tax cut. It's not going to you because you don't see it because I don't think you earn a hell of a lot.

Mr Dick: No.

Mr Marchese: But it's going to their banker friends who get a lot of that money back. So it's all driven by that. These folks are forced to dramatically change the system to take control of education so they can pare that down, and then they say, "Now that we've done that, we've got

to give these municipalities a whole lot of other things to make up for that." So now you're stuck. They're laughing because they think they're demigods and they understand, you see. But you're stuck with a problem and a fear, and I'm afraid because of that income tax cut, we will all be stuck with a problem that will be irretrievable down the line. Do you have a sense of that?

Mr Dick: They could keep my income tax cut. I don't want my money back if they would not erode the health care system that we enjoyed or some of the one we still enjoy. But I see it as totally a money issue in order to live up to that promise of the tax cuts.

Mr Tim Hudak (Niagara South): I guess the issue really is, it doesn't matter if it's a municipal taxpayer or a provincial taxpayer, they're all the same. They're funding ambulance services. I think the question for the committee to consider is, who is best to run the ambulance service? Should it be CUPE? Should it be OPSEU? Should it be an independent operator?

What we plan to do in the year 2000 is put that out to competition to see who can give the best-quality service at the best price to the taxpayer. You have 17 years in the business so I'm sure you're very adept. Obviously you're very concerned, you're here today. I think you care about your job a great deal. If the local CUPE is the best deliverer of that service, they will get that contract down the road. However, if somebody else can do it at a better quality at a better price to the taxpayer, I would argue by all means they should be that service. I think ultimately you have to realize that this is about making sure that the ambulance service we have is the most responsive and at the same time gives the best deal to the taxpayer.

I don't think bringing out the image of some American company that's there to leave the elderly in the streets and to drive by because they're not going to make money off it is really helpful. But what is helpful, I think, is finding out who can deliver the best service at the best price. I'll ask why you don't think that CUPE, with your experience and your knowledge of your community, would be able to compete and win that contract down the road? People obviously will probably have a lot of trust in you and the service you deliver.

Mr Dick: First of all, I don't think I was saying that CUPE could run the ambulance service better than OPSEU or anyone else. As far as Rural Metro leaving somebody on the road or passing them by, I don't think I said that either. I said that the cost would go up.

You talk about quality of service. I think when a municipality that is already broke, most of them, when it comes time, my area has four ambulances today and when the municipality takes over, they might only be able to afford two. Now there's nothing that says there's going to have to be four in the year 2000, so when they go down to two, I see that as the quality has gone down. Yes, you are getting a better deal through the one that's going to charge less money, but the actual quality isn't an issue.

As far as the region running it, I would say yes, the region could run it, but I think the ministry still has to have the funding because in our service today every cent

spent on training, equipment and everything is the same with the other services and I have to go through the same training as the guy in Ottawa and everywhere else. That's all dictated and paid for through our Ministry of Health. When you get another company in there, John's ambulance service, he might just hire the people with the minimum standards, who meet the requirement. They don't exceed the requirement, just meet it. So the fear is that we're going to be trying to meet a lower requirement in the years to come.

The Chair: Mr Dick, on behalf of the committee I thank you for coming this morning.

OTTAWA-CARLETON
HEALTH DEPARTMENT
PLANNED PARENTHOOD
OTTAWA-CARLETON

The Chair: The final presenters this morning represent the Ottawa-Carleton Health Department, sexual health services, Dr Edward Ellis and Louise Hanvey. Good morning, Dr Ellis, Ms Hanvey.

Dr Edward Ellis: Good morning. I will begin. As one of the associate medical officers of health for the Ottawa-Carleton Health Department, I am here to speak about the possible impacts of this legislation on sexual health and HIV-AIDS prevention both in Ottawa-Carleton and in the province. Louise Hanvey is representing Planned Parenthood of Ottawa and will make a separate presentation on that issue. We'll keep within the time frame.

I'd like to make four points.

The first is that the Ministry of Health public health branch has been developing new mandatory standards for public health services. We've had good opportunity for input, we like the most recent draft and we're confident that we can carry this out. We think that provincial mandatory standards are extremely important to ensure a common level of service and access to service throughout the province. They will allow us basically to determine how we meet those services and we like that it's a made-in-Ottawa-Carleton approach to meeting those standards.

My second point is that we are very fortunate here in Ottawa-Carleton because we have good, consistent general public support for sexual health and HIV prevention and we have good support from our regional council, which acts as our board of health. This may not be the case in more rural health units throughout the province and there may be a risk in those areas that there would be a decrease in sexual health services, HIV prevention and so forth. That's going to end up obviously in lack of services, perhaps equity of service delivery and quality assurance problems.

My third point is that with the current system of combined funding, both local and provincial, using provincial moneys we have been able to do a number of collaborative projects with other health units in eastern Ontario, ones based around Cornwall, Brockville, Kingston, Renfrew and so forth, and I bring one example. It's a newsletter

called Take Five. I'll leave some copies for those of you who are interested in it. It's designed for health professionals, educators, interested parents, anyone, on sexual health.

To do something like this at an individual health unit would be too expensive, time-consuming and so forth. We get economies of scale to do it on a regional basis. It's five health units and it's distributed throughout all of them. It's unlikely that such cooperative ventures will occur if everybody's funding their program separately. Therefore, it would be very useful if the province could still have a system of grants for collaborative projects among health units on sexual health and HIV prevention.

1210

My fourth and final point is that up till now we have received our medications for treatment of sexually transmitted disease from government pharmacy and we think that should continue. It is not clearly laid out in the proposal whether this will happen. We do know that government pharmacy will continue to provide vaccines and treatment drugs for tuberculosis, the reason being that it's cheaper and more coordinated to buy on a provincial basis than every health unit going off and tendering on their own. I'd like to see that applied to STD drugs. I would also like to see it applied to the supplies we need for HIV prevention, such as needle exchange programs, condom distribution and so forth. The financial advantage of bulk purchasing is just too much to ignore.

Those are the four points I have. I'd be happy to answer any questions either now or after Ms Hanvey.

The Chair: Perhaps Ms Hanvey could complete her presentation and we could have questions to both of you.

Ms Louise Hanvey: I'm a volunteer with Planned Parenthood Ottawa-Carleton and I'm here speaking on their behalf and with concern about sexual health services in our region. We currently receive a grant from the Ottawa-Carleton health department which funds the core of our operation, supports the services, a few of which I will describe to you this morning.

We've been in Ottawa-Carleton for 33 years and we're part of a provincial and a national group of Planned Parenthood affiliates who work towards promoting sexual health in our province and ultimately across our country. Our purpose for existence is to promote the health and wellbeing of the people of our region by encouraging and facilitating informed decision-making about matters relating to their sexual health.

What do we do? We provide some educational programs. We provide non-judgemental and confidential counselling and referral services. We promote awareness about methods of contraception in the community and we provide links with other community services. Our number one focus is prevention. That's what we work on and that's what we strive for.

We have 75 trained volunteers currently in the region, many of whom have been long-standing volunteers with the organization. We have a long history in this region. We've been here for 33 years and our activities have

always been proactive, working in areas as they're emerging in sexual health.

You're probably aware of all the information about sexual health issues in Ontario right now. The rates of some sexually transmitted infections, for example, chlamydia, are very high, particularly among young women in our province. Unfortunately, this infection can lead to serious consequences like pelvic inflammatory disease, and ultimately, infertility. You're probably also aware of the changing face of HIV and AIDS in our province and in our country. There are new groups of our population, such as young people and women and other groups of the population who are quite disfranchised, like intravenous drug users, who are becoming more and affected by the virus, and certainly we have the continuing presence of teenage pregnancy and its implications.

In 1975, when the Conservative government made the decision to make access to birth control a priority and provided 100% funding for sexual health services, our teenage pregnancy rate began to fall, and since that time, has fallen by over 25%. From the perspective of someone who has been a volunteer in this movement for over 15 years, and of late, in the Ontario movement as well, we have a strong sense that there needs to be a concerted provincial effort to address sexual health issues rather than a patchwork of approaches across the province and perhaps unrelated activities. This will often happen because sexual health is a sensitive issue, and unfortunately it's one that oftentimes is very vulnerable to vocal minorities in our individual communities.

We work very closely with the health department so that they can further work on their mandatory core guidelines. Because we're a grass-roots organization, oftentimes we can respond to people's needs in a way that perhaps traditional health services couldn't.

We share a lot of health activities with the health department related to youth at risk, but I would like to briefly describe one that's very important, and that's our popular theatre programs, Insight Theatre and Théâtre des leurs. These are troops of young high school students who have been performing in the Ottawa-Carleton region for 15 years now, a new group of young people every year who address other young people on issues of sexual health and other pressing issues facing youth. This is a for youth, by youth program. It's created by youth, it's moulded by youth and it's delivered to youth.

The other exciting thing about this program is that they also perform and interact with service providers so that they enable people providing service to youth at risk in our community to hear directly from the young people themselves as to their concerns and issues.

We have a number of other programs that we're able to offer in the region with our funding; for example, we have a sexuality awareness training program and options counselling.

We're here because we're concerned about the sexual health of the residents of Ottawa-Carleton. We're concerned about the sexual health services in our community. We want to ensure that the full range of services that

exists now and the full range of services that will be needed in the future as new and pressing sexual health issues emerge continue to exist in our region.

The Chair: Thank you, Ms Hanvey, Dr Ellis. That concludes your presentation? I believe there will be questions.

Mr Marchese: I just want to take the opportunity to thank you and say that many have spoken in this committee and have similar concerns. It's not unusual to have homogeneity of thought around what all of you feel will be the effects of this bill if it goes through in this way.

M. Hudak says we're all taxpayers, it doesn't really matter whether it's the municipality or provincial government. I have a view on that. I believe if you're paying income tax, it's different than if you shift that to the property owner and the tenant. I find that is a fundamentally different way of collecting money to pay for services. Mr Hudak doesn't believe that, or doesn't see it, but I see it as a fundamental difference. I don't think we should be shifting these costs down to the municipality, whose source of funding is the tenant and the homeowner.

I don't mind the second part of his point, and that is, who can deliver the program best. I happen to believe the province should be doing it. But if the municipality is to do it, your worry is — correct me if I'm wrong — that funding needs to be there, and I'm not sure you believe it's going to be there; that monitoring should be there —

The Chair: Mr Marchese, time's almost up.

Mr Marchese: — and that enforcement should be there as well. So if the municipality is going to do it, I'm worried about those things. Do you have a response to that?

Ms Hanvey: Yes, I am concerned that funding be here for the programs. I'm concerned that a program like sexual health, because it is sensitive and it is vulnerable, and has been historically in our province and in our country, will be very vulnerable to negotiations for funding and for dollars, and the direct result of that will be service accessibility. Unfortunately, the people who are first and foremost going to pay for that are the groups I mentioned who are just emerging with new and complicated sexual health issues: young people, people who come from different ethnocultural communities etc.

Mr Carroll: Very quickly, you're involved in a system where the regional council is your board of health, and you've painted a wonderful picture of the support you get and the cooperation you have from them. Obviously, you have a lot of wonderful programs here. Is it your contention that they're only that supportive of your efforts because they're spending provincial dollars, or do you believe they will continue to be that supportive and that responsible in the area of public health regardless of whose dollars they're spending?

Dr Ellis: Because we have good general public support and we've always had good regional council board of health support, I am not concerned about the health department's budget for the future within Ottawa-Carleton. My concern is that in other health units, rural health units where they have multiple municipalities that

have to be levied for taxes and so forth, this could become a contentious issue and it could seriously jeopardize funding and service delivery. It could indirectly affect us if we start getting more patients, clients, coming in from surrounding health units.

Mr Hudak: I had a quick question for you as well, based on your experience in the field. As you know from the bill, we've increased the number of tools available to the minister, or, if she decides to designate it, to the chief medical officer of health, to go into an area and make sure programs are delivered, if they're not meeting the tougher, higher standards. The minister will also be able to appoint assessors to monitor boards across the province to make sure those high standards are adhered to. What do you see as the role of the assessors, and do you think it should be mandatory for the minister to appoint assessors, or should she do it on a case-by-case basis?

Dr Ellis: My personal view is that it's going to have to be obligatory, it's going to have to be annual and it's going to have to apply to everyone. Maybe if a health unit is in compliance for five years in a row, then okay, it can skip, but there's going to be tremendous temptation in some health units to cut some programs.

Mr Cullen: The 100% provincially funded programs that your department runs are over \$60 million, and I have to assume there was no waste and duplication when they were 100% funded by the province. Now that it will be coming to the region — I can just recall the last regional budget, where we were dealing with over \$30 million in provincial cuts and the direction of council was that this be split between every department according to their share of the regional budget. Every department, whether was social services, transportation, planning, you name it, had to contribute its share.

Given that the province anticipates that the region will find \$35 million a year in efficiencies, 2.3%, over the next three years, are you going to tell this committee that regional council, in allocating those cuts, is going to leave public health alone? Is that a reasonable expectation?

Mr Carroll: I sure hope so.

Mr Cullen: It may be a bit of a rhetorical question, because you can't speak for regional council of course, but would it be reasonable to expect that those 100% programs would be absolutely untouched, that they would not fall under some form of review?

Mr Marchese: Something's got to go.

Mr Cullen: I would think it would be reasonable to expect that they be at least reviewed to see what can be contributed.

Dr Ellis: All health department programs are reviewed periodically, and of course they will be reviewed. All I can say is we've had good support in the past and I anticipate it in the future.

Interjection.

Dr Ellis: Yes, but there are mandatory standards in legislation saying this must be provided. That helps, and if it's enforced, that helps.

The Chair: Dr Ellis, Ms Hanvey, unfortunately our time has expired. Thank you kindly for coming to us and giving us your comments this morning.

Ladies and gentlemen, that concludes the public hearings of the general government committee. I remind committee members that if they wish to present amendments to this bill, they must be delivered to the clerk by no later than 5 o'clock on Monday, November 3. The clause-by-clause hearings will take place next Wednesday. I therefore adjourn these proceedings to Wednesday, November 5, at 10 am in Toronto.

The committee adjourned at 1222.

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of Ontario**

First Session, 36th Parliament

**Assemblée législative
de l'Ontario**

Première session, 36^e législature

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Mercredi 5 novembre 1997

**Standing committee on
general government**

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**Comité permanent des
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 5 November 1997

Mercredi 5 novembre 1997

The committee met at 1005 in room 151.

SERVICES IMPROVEMENT ACT, 1997

LOI DE 1997

SUR L'AMÉLIORATION DES SERVICES

Consideration of Bill 152, An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda / Projet de loi 152, Loi visant à améliorer les services, à accroître l'efficacité et à procurer des avantages aux contribuables en éliminant le double emploi et en redistribuant les responsabilités entre le gouvernement provincial et les municipalités dans divers secteurs et visant à mettre en oeuvre d'autres aspects du programme «Qui fait quoi» du gouvernement.

The Chair (Mr David Tilson): Ladies and gentlemen, good morning to you all. This is the standing committee on general government and we're reviewing Bill 152. We have held public hearings and we are now in the process of clause-by-clause and entertaining amendments from various members of the committee.

The first section does not have any amendments. Shall section 1 carry? Section 1 is carried.

The first proposed amendment is section 1.1.

Mr Rosario Marchese (Fort York): Just to remind you: "Shall section...carry" and people will say "aye" and you just want to see whether —

The Chair: Mr Marchese, I assume that if there are no "nays" we don't require votes.

Mr Marchese: I see.

The Chair: If you have a "nay," then we will vote on it. Do you want to do it again?

Mr Marchese: Well, just to be reminded of —

The Chair: That's the procedure we've followed in the past and as long as we're all clear about that —

Mr Marchese: Yes, okay.

The Chair: Are you content?

Mr Marchese: I will say "nay" as soon as you say that, and so we'll know.

The Chair: All those in favour of section 1? All those opposed? Section 1 carries.

The first amendment is a Liberal proposal.

Mr Mario Sergio (Yorkview): I move that the bill be amended by adding the following section:

"Municipal reports

"1.1 Despite any section of this act, this act does not come into force until the Ministry of Finance has forwarded a report to each municipality in the province outlining the short-term and long-term financial implications of this act on each municipality, and the council of every municipality has responded with a written declaration acknowledging their new financial responsibilities under the act."

Like most of the other amendments, this is self-explanatory and I will keep my comments at a minimum, especially this one here. I think it's clear what it implies and that is why we have proposed this amendment.

Mr Jack Carroll (Chatham-Kent): A quick comment on that, if I may, Chairman. On October 6, municipalities were provided with a package of financial and demographic data which allows them to do some preliminary work on their budgets. Details on the residential tax room and the community reinvestment fund will be provided as soon as possible. In light of what is happening now, we believe that this amendment is not required.

Mr Marchese: We anticipated the government of course would say this, as they did, in fact. But this material that he refers to does not include the elimination of those unconditional grants or the download of provincial roads. So it doesn't include, in our view, an analysis of the long-term cost escalations which they will face. I think the government has an obligation to speak to these kinds of issues: What does it mean for the municipalities in the future when you eliminate the unconditional grants, and have you built in the cost of downloading responsibility for provincial roads? We believe the municipalities are going to face a serious problem and that is why we're supporting this amendment.

Mr Sergio: Although I did say that I would keep my comments very brief, let me say that when we had the public hearing in London a couple of weeks ago a member of the government did suggest: "Don't worry about it. We will have a cheque for you." I'm referring to the \$21 million that the city of — was it London where we were a couple of weeks ago?

The Chair: We were.

Mr Sergio: They foresee \$21 million as a shortfall and the quick, snap answer to that was: "Don't worry. We will have a cheque for you." I'm wondering if it is the intent of

this government, and perhaps the PA could answer that for us and for the benefit of the audience and the public, if the government is willing to do that on a one-time-only basis or, if a particular municipality happens to fall behind for two, three, four, five years, the government would be prepared to come with a cheque every time a municipality finds itself in difficulties because of the downloading by the provincial government.

Mr Ernie Hardeman (Oxford): I think it's important that we point out that Bill 152 does not deal with the issue of municipal support grants as they have been in the past. I think municipalities have been so informed for some period of time that the government was going to reduce that funding from where it was when we came into government to the extent that it would be eventually completely eliminated. So I think it's inappropriate to deal with the municipal support grant through Bill 152.

Bill 152 deals with the realignment of services between the provincial and municipal governments. Those transfers or those realignments have been explained and I think understood by municipalities and they have now the ability to deal with that in their expenditure budgets. Obviously they have a need to do that prior to looking at the revenue side of the budget. They have to look at the type of services that their electorate wants and needs and their ability to pay for that.

1010

We are quite confident that the issue of the funding through the \$500-million community reinvestment fund and the restructuring fund will be allocated in plenty of time for the municipalities to be able to create their revenue budgets, which of course needs to be done prior to their tax bills going out.

I would point out that the community reinvestment fund is an ongoing fund that would be implemented and stay there in a similar nature as the present municipal support grant. I would also point out for the committee's information and for all others that the municipal sector is presently involved with the government through a committee structure to try and put together the framework for the distribution of that fund, and we hope to be able to announce very soon to the municipalities the criteria that will be used to actually allocate the money in the community reinvestment fund.

Again I would point out that the issue in the bill is the transfer and the realignment of services between the two levels of government and I think we should carry on with doing that. On that issue, the municipalities have all the information they need to prepare the budget.

Mr Marchese: Because there are people probably watching us, it's important to comment as the government members speak. It's true that people knew that the municipal support grant was coming off. There's no doubt about that. We know that they've eliminated that program, which is worth \$666 million. We don't believe that's being offset. We also believe that this, as a result of that action and many others, including the download of essential soft services, will not cause a revenue-neutral situation for municipalities and will therefore add an incredible load

to the municipal taxpayer, the homeowners and tenants, who, as some of you know, pay a great deal of taxes.

He makes it appear as if somehow all of this is rosy; they know this is just a nice realignment. Everybody appears to be happy. The municipalities are not happy about what is referred to in this act as its purpose: to effect a reallocation of responsibilities. This reallocation of responsibilities means municipal homeowners and tenants are going to face an increase in their property taxes, and if not that, will face a decrease of services. We can guarantee you that.

He speaks of the community reinvestment fund. We've heard very little about this fund. No one knows what is going on with this fund, other than the fact that they say it's there forever. We don't know that it's there forever. We don't even know how to access that fund. There's nothing about this fund that anybody knows about because they don't know themselves, other than the wonderful assurance these Tories are giving you, municipalities, and those who are going to bear the cost, that it's there forever to offset anything else in this act.

I've got to tell you, for those who are watching, we are very worried about this download and its implications on everyone concerned.

The Chair: There doesn't appear to be any further requests for debate. I will ask whether section 1.1 carries. All those in favour of section 1.1 carrying?

Mr Marchese: The amendment.

The Chair: The amendment that we're dealing with, Mr Marchese, yes.

Mr Sergio: You're calling the amendment, not the section.

The Chair: I'm calling for the motion that you've made.

Mr Sergio: The amendment.

The Chair: Section 1.1: All those opposed? The amendment, which is section 1.1, fails.

We are now into a proposed amendment with respect to section 2, which is a New Democratic motion.

Mr Marchese: I move that subsection 2(2) of the bill be struck out and the following substituted:

"Same

"The schedules to this act, except for section 18 of schedule D, come into force on January 1, 2000."

The intent of all of this is to give the government more time to get the administrative and service delivery issue settled before they rush ahead, as they seem to be doing, on many aspects of this bill that we believe are going to cause incredible confusion and financial problems to many municipalities.

We are urging this government and these members to support this motion so as to allow them the time they need, that you all need, to make sure that what you want to do is done as efficiently as possible. The pace at which you are proceeding will cause inefficiencies and will cause a great deal of confusion. This is intended to help some of you guys out. Even though we disagree with this bill and the intent of this bill, I believe you need to slow it down. This amendment is an attempt to do that.

Mr Carroll: While we do appreciate Mr Marchese's concern for the wellbeing of our government, we can assure him that we will proceed as efficiently as possible. But in order to ensure that the provision of all services continues beyond December 31, 1997, the act needs to come into force on January 1, 1998. Government funding, as an example, for GO Transit ends December 31, 1997, but the operation of GO Transit continues well beyond 1997. Obviously a financing mechanism has to be in place to finance the operating deficit.

This amendment further would delay implementation of municipal cost-sharing of prescribed child care services and the designation of delivery agents to manage child care. For those reasons, the government cannot support this amendment.

Mr Sergio: Would you let me comment on that, Mr Chair, briefly? One good reason to defer the implementation of this would be due to the many changes that will be occurring after January 1, not only within Metro but in the other regions as well. A lot of those changes will have to take place and be done in conjunction with the changes that are occurring within those municipalities. I think it would be proper to involve those municipalities, especially those that will be affected by those many changes, to do it in consultation with them and have their input as these changes here can be implemented more effectively, instead of imposition, as usual, by the government by this particular date.

I don't see any rush for saying it's got to be done by January 1. I think it would be better to say: "Okay, there are many changes coming up after January 1. Let's do them in cooperation with the involvement of communities, municipalities and new local councils." I think that would be much better.

Mr Hardeman: I just want to reiterate what the PA earlier mentioned, the fact that this part of the bill deals with the ongoing costs beyond January 1. I think it's very important that it stays in the bill to make sure that GO Transit and the other services that are being talked about can be maintained for the public. It's one thing to say we'll take that section out of the bill, but I think it's very important that something and someone is in place to cover the costs of those services as we proceed beyond January 1. I would encourage the committee not to support this amendment.

Mr Marchese: Just for clarification, we didn't say "take out." We just said it should come into force at a certain date, in response to what the member just stated.

The Chair: There appears to be no further debate. I will ask whether Mr Marchese's motion shall carry. All those in favour of this motion? All those opposed? The motion fails.

We have another one. Mr Marchese, I'm going to be asking for your assistance and members of the committee's assistance with respect to a point of order that I'd like to question.

Mr Marchese: Can I read it into the record first though, Mr Chair, so that you know —

The Chair: You're quite right. Let's read the motion into the record.

1020

Mr Marchese: I move that subsection 2(2) of the bill be struck out and the following substituted:

"Same

"(2) The schedules to this act come into force on the later of,

"(a) the day provided for in the commencement section at or near the end of each schedule; and

"(b) the day the government of Ontario establishes a community reinvestment fund, the objects of which shall be to ensure that the province of Ontario pay to each municipality an amount equal to the part of any shortfall in the municipality's budget for each year that is attributable to one or more of the following:

"(i) the legislative changes related to the Who Does What initiatives announced on May 1, 1997 and August 6, 1997;

"(ii) the reduction or elimination of grants under the Ontario Municipal Support Grants Act; and

"(iii) the transfer of provincial roads to the city."

Mr Chair, do you want me to make the argument before you rule on this or do you want to rule and then I'll make an argument to this?

The Chair: Please make your positions.

Mr Marchese: The government speaks about having this community reinvestment fund. They say it's there. We are not adding a fund that the government hasn't already spoken about introducing. So it's not as if I am talking about a matter that introduces a new fund or that is related to financial matters for which you would say this is something that should be ruled out therefor. This is a fund that the government says is there.

We're saying, before you forge ahead with anything, this comes into force at such a time only when and if some of these matters are dealt with; that is, that the community reinvestment fund is there, the object of which is to pay for any shortfall related to the download, including the loss of unconditional grants on the download of provincial roads.

We're saying that once you've done this, and we know the purpose to which this community reinvestment fund should be in place, that's when this act should come into effect, and only then. I'm not sure we're talking about introducing a new fund or some other fund that isn't already there.

The Chair: It's on that point that I'm raising the question for members of the committee, as to whether it is in order under standing order 56. I'll read it once, because I'm going to be raising it a number of times for some of the other motions which have to do with a money bill. Standing order 56:

"Any bill, resolution, motion or address, the passage of which would impose a tax or specifically direct the allocation of public funds, shall not be passed by the House unless recommended by a message from the Lieutenant Governor, and shall be proposed only by a minister of the crown."

In other words, only ministers of the crown can introduce bills or resolutions with respect to this. We're all aware of this. I guess I ask the question, and I'm trying to stay out of the debate with respect to the issue of the community reinvestment fund, but certainly we've already had some debate this morning as to whether or not this fund exists or whether it doesn't exist.

Mr Marchese: They say it's there permanently.

The Chair: And you say it's not there. I'm trying not to get into that. I guess the question I ask in my position as Chair is, I haven't been able to see this in this particular bill. It may be politically suggested as being there, and if it is there, if this fund exists, then your motion is in order. If it doesn't exist, the motion is out of order. I need some clarification from both sides as to where this fund is.

Mr Marchese: Chair, they've got a problem. If what you say is true, they have to either deny this or confirm that the money is there. Mr Hardeman said that it's a permanent fund, so we have to assume that these people are telling the truth, because that's what they said.

The Chair: You won't bait me on that, Mr Marchese.

Mr Marchese: No, no.

The Chair: If I could just finish, what I will say is, if the government says it's intended to be there, it isn't good enough.

Mr Marchese: No, they didn't say it's intended to be there; they said it's there and it's permanent.

The Chair: I'm going to defer debate.

Mr Marchese: I'll wait for that discussion then.

Mr Hardeman: Obviously it is up to the Chair of the committee to make the decision whether the motion is or is not in order and I would sure not want to imply that I was trying to make that decision on your behalf.

Looking at the motion for the amendment, I see it dealing with the timing of enactment of this piece of legislation to the extent that the member opposite uses the comment, "and relating to the community reinvestment fund." I think it is public knowledge that we have announced and we will be providing funding through a community reinvestment fund to help municipalities deal with the impact of the Who Does What process, but I would caution that the rest of that paragraph (b), as it relates to the money that is to be expended, does not necessarily relate to the amount of money available. The motion is trying to spend money that may or may not be in the fund.

I would suggest, with that in mind and the comment that you made, Mr Chair, that this would not be in order, that in fact they are not just relating to the community reinvestment fund and the timing, as it relates in the first paragraph, of the enactment of this piece of legislation. They are talking further of how that money should be spent and, to the extent that it should be spent, not limited to the amount in the fund. I would suggest that they are talking about expending money that has not been approved and not been recommended by a minister of the crown. I would ask that you rule this out of order.

The Chair: Further questions?

Mr Sergio: Mr Chair, for a moment I was taken aback by your comments in saying if the fund is there or not there. I think it is quite —

The Chair: Just so I could be clear, Mr Sergio, if the motion is suggesting that a fund be created, if the fund does not exist now and if the mover of the motion, which is Mr Marchese, is suggesting that this fund be created at some appropriate time, I believe that contravenes standing order 56. But if we're convinced it is already there, and I'm entertaining that, then the motion is in order. That's my position.

Mr Sergio: Yes, indeed. I was coming to that. As I was saying, I was taken aback because you weren't sure if this fund or establishment of fund was there or wasn't there, and I think the Premier —

The Chair: I am only trying to act as an independent Chair and listen to both sides.

Mr Sergio: I appreciate that indeed, and I think the Premier and ministers and members of the government have been priding themselves in saying: "Don't worry. We are going to take care of the shortfalls of the various municipalities." In your effort to try and clarify that, I saw perhaps the possibility that, "Hey, we're not sure if the fund is going to be there." I wonder what meeting I was at two weeks ago when Mr Gilchrist said, "We have a cheque for you for \$21 million."

I think this calls for clarification of the issue. I think this is the crux of the question, Mr Chair, when everyone, AMO and everybody else, says, "We don't believe this is going to be there next year." The thing is, how much is going to be there? What are the conditions? Questions have been asked by various presenters: How are we going to access that fund if that fund is going to be there? How much? What are the limitations? We don't know. You don't know, Mr Chair. No member of this committee has been provided with that information. Municipalities don't have that information, big or small.

That is the importance of the issue here: How are we going to access these particular funds? What are the requirements? What are the limitations? Is there no end to it? We could be talking a lot more than \$21 million in one particular area of shortfall, and they haven't summed up all the losses yet. What about larger municipalities where they may be falling back tens of millions of dollars? Is the government saying the envelope is open instead of being closed, and just make your request and the money will be there? This is what we would like to know. This is what municipalities have been asking.

The Chair: Mr Sergio, that's fair fodder for debate on a motion —

Mr Sergio: And it speaks to the amendment.

The Chair: — but quite frankly, I'm interested to know whether this fund exists or Mr Marchese is trying to create it. If he's trying to create it, then it's out of order. That's all I'm asking. I don't want to challenge you on your right to debate it, but this is a point of order that I can't —

Mr Sergio: Mr Chair, how can this amendment be out of order when it has already been established that indeed

the government is willing to come up with that particular amount of money? I believe it's properly in order; (b) is attached to (a), it follows (a), and I think they are both in order. That's my view.

Mr Carroll: If the question we are debating is whether or not the fund is there, the government has made two commitments on funds: One is \$800 million of one-time funding to deal with various restructuring issues; another one is a \$570-million annual permanent fund to deal with those municipalities that find themselves impacted negatively by the whole exchange of programs. There's no question that the government is committed to the expenditure of this money, and we're not backing away from that. If that is the information you need to allow this motion to be debated, then I would suggest we debate the motion. We're not shrinking from our commitment and our responsibility to deliver on the two funds that we have said from the beginning will be available to assist municipalities.

1030

Mr Marchese: That's the other part of this motion, Mr Chair. I want to help you when you're ruling. That's what you're getting at in terms of the questions you're asking as to whether this is in order with respect to section 56. The point you were making is, does this create a fund? The point is that this fund is already there. It doesn't create a new fund. It is a fund that is already there, and they have admitted to that. Given that they have admitted to that —

The Chair: I agree. I believe the fund is already there and your motion is in order. Thank you.

Mr Marchese: Thank you, Mr Chair. The point that we made, just to reiterate briefly, is that our motion would clarify the intent of what the Conservative members often speak about, and that is that it's there to deal with any shortfall that may happen to any municipality as a result of a number of things, restructurings that are going on. So if that's the case, we put it into a motion here.

This community reinvestment fund would deal with any shortfall as it relates to the three areas that we pointed out. That includes the legislative changes related to the Who Does What, which these members often speak to and about, because they made reference in the committee to many of these changes, if not all, as relating to the Who Does What. All right. We put it into a motion. That's one part.

The other part is the reduction or elimination of grants under the Ontario municipal support grant. They shouldn't have any problem with that, because as Mr Hardeman said, we have eliminated that. They know that. It's not a problem. Our community reinvestment act is intended to deal with that problem. If it's not intended to deal with that, you can explain to the public why that isn't so, but one assumes that this investment act is supposed to deal with any shortfall that might arise as a result of the elimination of those grants.

There's the transfer of provincial roads to the city. I'm assuming you feel confident that this revenue-neutral situation that you have created deals with that as well, and because of it, one assumes that the community reinvest-

ment act also should deal with that, and if it doesn't, you should tell us.

It's intended to guide you and to help municipalities as well, because they're worried, and you might want to appease them through supporting such an amendment.

The Chair: Further debate on Mr Marchese's motion? All those in favour of this motion? All those opposed? The motion fails.

I believe those are the proposed amendments to section 2. All those in favour of section 2? All those opposed? Section 2 carries.

There is a proposed amendment to section 3, page 4.

Mr Marchese: Yes, section 3 of the bill, short title. I move that section 3 be struck out and the following substituted:

"The short title of this act is the Local Services Destruction Act, 1997."

I'd like to speak to that, Mr Chair. We think this title —

The Chair: I'm going to be very generous with you, Mr Marchese, but you're stretching me. Please proceed.

Mr Marchese: We're speaking on topic, because this motion speaks much more clearly and concisely to the bill than does this long name given to this act, which is contrary to its content. It says An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the government's "Who Does What" Agenda.

Interjection: I think it's an excellent title.

Mr Marchese: That's what I wanted to speak to. I agree and I want to speak to it.

The Chair: All right, gentleman. Let's hear Mr Marchese's brief comments that he'll be making to us.

Mr Marchese: Chair, this downloads to municipalities areas of soft services that they should not be getting. This government has argued in the past that they wanted to disentangle. This bill doesn't disentangle anything. It complicates it even more, and in many areas causes a great deal of confusion to municipalities and those who deliver services.

As we go through the bill you'll see the confusion; it's reflected by some of the motions this government has. We'll get to that down the line. They have a number of motions with a number of contingencies to cover a number of things they don't know anything about. That's why some of these motions are in this bill, because they are rushing ahead so quickly and because they don't have a clue how to deal with them. There are some motions that provide for all contingencies because they don't have a clue.

To download a number of services down to municipalities is hostile to the interests of the taxpayer these people pretend to represent. To download housing, something no jurisdiction in the world that I'm aware of — there might be one, or maybe there isn't; I don't know — is something that is irresponsible. No provincial government should ever download that kind of responsibility for housing to

municipalities. I believe it's fundamentally wrong. So talking about improving services and efficiencies is contrary to the effect of the proposed bill here.

Passing on child care, passing on welfare, ambulance services, aspects of public health is wrong. These are areas that this government should pay out of an income tax system. We believe it's fairer to raise money out of an income tax system and we believe that when the province controls it, you're more likely to have a service that is uniform and, to the extent possible, equal to all than with the kind of patchwork you're likely to create when you download essential services down to the municipality.

This bill is more appropriately covered by my title than it is yours, because indeed it will destroy many of the services that we have come to enjoy. Some of these people feel that this is really good for them; they're finally disentangling. It doesn't disentangle anything. They're finally going to give municipalities power to deal with a lot of things, things many municipalities don't want, things the local taxpayer and the tenants generally do not want. They're going to be faced with two problems: how to maintain services, or an increase in property taxes in order to do so, or both — increased taxes in order to maintain the present level of services. Because without increasing taxes, we do not believe we can maintain the same level of services, given the money that is being taken out by this government from municipalities in order for them to be able to deliver these programs.

I will have other opportunities to speak to this bill and its destructiveness as it relates to many other areas, but I believe this title is more appropriate than the title that has been constructed by the people these folks pay out of the pocket of the taxpayer of Ontario.

Mr Carroll: In this particular instance, we disagree with Mr Marchese. We find his amendment frivolous and will not be supporting it.

Mr John Gerretsen (Kingston and The Islands): If the government members find this amendment funny or humorous, I suppose it's no more humorous than the titles that have been given to just about 95% of the bills that have come before this House in the last two years. All you have to look at is the so-called Education Quality Improvement Act. I think a lot of people would say you're not improving the quality of education when the Premier himself acknowledges the fact that he's taking another \$700 million out of education.

The Chair: No, Mr Gerretsen, Bill 160 is not —

Mr Gerretsen: All I'm saying is that maybe both the government and the opposition should reach some sort of agreement so as to give bills realistic titles as to what they actually deal with rather than inflammatory titles, which I think has happened to most of the government bills over the last two years.

1040

Mr Marchese: To respond to Mr Carroll, he says it's frivolous. It isn't frivolous. We believe this will cause a great deal of confusion and destruction to local municipalities. Why he would say that our motion is frivolous and their title not makes no sense to me. As you know, I

speaking often to the titles of every bill they introduce in the House, often as a way of saying it should have some semblance of veracity to its contents, and it usually never does, other than the fact that they create mythological titles to give the impression to anybody who won't read it that they're doing something to improve something. That's why they construct their titles the way they do. Why isn't it frivolous to say what they say, but it's frivolous to say what I say?

Mr Sergio: Let me just make a comment. Other than the title, it doesn't really do anything to improve services in various municipalities all over the place. If there is one particular thing we have heard from representatives from Mississauga, southwestern Ontario, Ottawa, London and up north as well, it is, "We just can't maintain the existing services unless we raise taxes." They just can't, and the members of the government know that very well. With the downloading and the cuts the government has been making, it is just impossible to maintain the existing service that people are used to receiving from the various municipalities without either cutting somewhere else or increasing taxes. That is the simple mathematics. I really wonder why the government has failed to convince the people of Ontario, AMO, the various other municipalities in saying: "We will maintain services. We're going to put it in writing and guarantee that the present services will be maintained, plus we're going to cover your shortfall." It is just impossible.

If we want to make light of the amendment, that's fine, but I think the intent is to extract the real essence of the entire Bill 152, because municipalities today have not been told how they're going to manage to maintain the various roads, services, social services, housing. It's all part of the same thing; it's all part of the downloading.

So while we may be making light of the amendment, I think it addresses the essence of the bill, which does not address the concerns of the various municipalities and does not alleviate the fear the municipalities have been telling this committee and the government about all along, that it cannot be done. Unless the government comes clean and says, "This is how we're going to maintain the various services," I think there is reasonable doubt that the government will come clean when it says this is going to be a wash.

Mr John Hastings (Etobicoke-Rexdale): I would like to respond to a number of points that have been raised by the members opposite. First off, Mr Marchese's name suggests the socialist party shows hardly any faith that local government has the capacity to be innovative and flexible if it gets the methodology, the tools and some financing to do these jobs.

I find it rather reminiscent of what the Liberals did when Mr Nixon was the Treasurer. They talk about downloading and hardly any consultation. One of the biggest aspects of downloading that was difficult to manage, but we did manage it back in 1989-90, was in the budget of 1989 with the imposition of the commercial concentration tax. There wasn't a lot of consultation about that that I can recall. There were certainly fewer hours spent on that item

than any of the items that are in the local Services Improvement Act; quite the contrary. It needs to be put on the record that that particular abrasive interference, if you will, created a lot of problems for budgets, but local governments managed.

It seems to me that in the whole thrust of the arguments made by the members opposite, they failed to note the need to innovate, the need to be flexible, the need to look at different ways of carrying out these responsibilities. By their record, then, we would continue to just have all these services provided at the provincial level with what's called — I think Mr Marchese used the term "uniformity." But uniformity requires a thorough, rigid, bureaucratic application of that uniformity; there's no deviation. This particular act will provide for some flexibility to deal with local matters as the municipalities see fit.

In terms of the financing, I think the two investment funds will provide significant backup where those municipalities that are having difficulties with these particular realignment responsibilities will deal with them on a realistic basis. They'll come to us when they have made their best efforts. But I think the whole response from both opposition parties is disappointing in the sense that they really can't seem to stretch their thinking beyond conventional thinking, that the way a service is delivered now, it ought to be delivered that way forever; there's no other way of handling the issue.

It's interesting to note that the NDP did undertake some sort of disentanglement exercise, but when it got to the actual implementation of the disentangling, where some municipalities were very interested in taking on some new responsibilities, the thing fell apart. They blanched. They got fearful at the edge of the disentanglement cliff, if you want to use that analogy. They backed away. So why did they undertake the exercise at all during 1991 through 1995 on a number of these items?

It's interesting too that the previous government didn't hold any consultation that I recall. I certainly wasn't invited. I don't think Mr Hardeman, when he was the mayor of his municipality, was invited to hearings on the Social Contract Act, not one hour; but "Here's the bill." What do you call that? Downloading, I guess, to use their phrase.

Those are some classic examples of, beware where you walk. We've had that situation and the municipalities responded. They worked hard to come up with the moneys under the social con act — and that's what it was, a social con. We're hearing the consequences as a result of that bill, which there was hardly any consultation on.

When it comes to this particular act, there is some good material in here that the municipalities will handle effectively, some better than others. Some will obviously respond in the classic way in which they've always responded; that is: "Oh, we've got a problem? We've got a tax increase coming, folks." They announce tax increases before they even get to how they budgeted for the item, because some of them are tax addicts. They share the philosophy, unfortunately, of Mr Marchese that there's no other option which we've heard throughout the debate on this bill: You either cut the service or you increase taxes

or you do both; there's no other way of handling the whole issue. It's almost like maybe Mr Marchese should introduce an act entitled the Local Non-Imaginative Distribution Services Act or the Continuing Tax Addiction Increase Act, which would be just as effective as this particular title. To say that the titles of our bills do not deal with the actual content is exceedingly mischievous, because they do, if you look at them.

I just conclude by saying that the whole proposition that he would present such a title shows where their thinking lies: conventional, inside-the-envelope, never, ever go outside it because it might be too dangerous.

The Chair: Okay, here we go. Mr Marchese.

1050

Mr Marchese: First of all, it wasn't my intention to speak at length. I was really trying to limit my comments as best I could. And it wasn't my intention to hold these civil servants who are here in the room for too long, but when you are provoked — there are a few areas of interest to me that I want to respond to.

First of all on the social contract, I remember Mike Harris saying, "Way to go, NDP," because he loved the fact that the unions were whacking us at the time. Mike Harris was saying, "You guys are doing the right thing." I don't remember Mike Harris saying, "You guys are not consulting enough on it." Just as a point. I'll be brief.

The Chair: Mr Marchese, I'll allow you to go on but I want to remind all members that we're dealing with Bill 152. I know we're starting to provoke each other —

Mr Marchese: True, it's just when the imagination stretches, this is what happens.

The Chair: Okay. Please continue.

Mr Marchese: On the commercial concentration tax, I tell you, if we were in power again —

Interjections.

Mr Marchese: We eliminated the commercial concentration tax, I would have you know. Very few business people know that, including Tories I suspect, which is sad.

Mr Hastings: Why was it introduced?

Mr Marchese: Why was it introduced in the first place? That's another matter. That's for the Liberals to speak to.

In terms of faith in local government, this is what I want to speak to, Chair, because this is where we often meet with contradiction on what these members do. You recall the Development Charges Act. You might recall the debates in the House because these folks on the other side — you recall, Mr Carroll — railed against municipalities because they would collect these development charges and they would spend to build God knows what. So the government, through these Tories, had to bring them in because these municipal politicians were just spending like drunken sailors. The idea was to introduce the Development Charges Act as a way of controlling municipal politicians. Mr Hastings, am I right in this? Correct me if I'm wrong. I don't want to belabour the point, but that's what you guys said. You didn't trust municipal politicians — isn't that true?

Mr Hastings: No.

Mr Marchese: It's on the record. I was there. I debated you guys over and over again on this. Just to point out the contradiction, Chair, that's why I do this.

On education finance, this government is centralizing. Mr Hastings says that we don't trust municipalities. Why are you, in this particular issue as it relates to education, centralizing it into your own hands, into the minister's hands, where Mike Harris wields all the power? In some cases you, Hastings, say, "We don't trust municipalities" — I wrote it down, that "We have no faith in local government."

Mr Hastings: I didn't say that. You said that.

Mr Marchese: But you didn't have any faith with respect to development charges. You said that municipalities were wasting a whole lot of money on a whole lot of things. Didn't you say that? It's on the record.

The Chair: Mr Marchese, and I'm directing these comments to all members, please remember that we're talking about Bill 152.

Mr Marchese: You're quite right, Chair. I wanted to respond briefly to what the member said. I have nothing more to add.

Mr Gerretsen: I find this debate very interesting. I always find it interesting when the neo-conservatives in our society feel that the best way to defend their position is to attack what may have happened five or 10 years ago. Quite frankly, I don't think that the general public out there gives a hoot as to what happened five years ago, 10 years ago or 15 years ago. I think what they're more concerned about is how the effects of this particular bill are going to affect their property taxes and their services in their municipalities. That's all they really care about.

I totally agree with Mr Hastings on one point. Yes, municipalities will be innovative, they will be inventive, they will have to manage this situation. There's no question about it. But the bottom line, sir, still is this: From all the figures that have come out from the Ministry of Municipal Affairs so far, all the municipal leaders that I've spoken to over the last three weeks in my part of eastern Ontario, many of whom are nominal Conservatives, I might add, agree on one thing, that nobody knows exactly what the financial fallout of this download is going to be and nobody has been satisfied with the figures that were presented on October 6 or thereafter. Their gut feeling, and I'm talking about municipal politicians who have been around for many, many years, is that this is going to cost their municipalities more money. They have to raise more money or they have to raise money in another way, by fees of some nature or other, or they may have to cut services. That isn't just a political statement that they're making, because I'm sure they will be saying so after next Monday as well.

Yes, they'll be able to manage, but why have you not been able to convince them, with all of the power of the ministry, with all of the tremendously hard-working people that you've got there, that this download is in fact revenue neutral? None of your figures have been able to do that on an ongoing basis, in municipality after municipality. That's one thing.

The other thing is this \$1.5-billion fund. I find it very interesting that — and I'm going to go back in history, but not with the notion of blaming governments. But I can remember what it was like 20 to 25 years ago when you wanted something from Queen's Park and there wasn't a program to cover it. You sent delegations down here and it all depended on whether or not the particular minister felt that it was good politically to do so or not, to give you a grant in one particular area. They were sort of known as the government slush funds that could be used at the appropriate time to bolster certain situations in certain parts of the province and probably to bolster certain candidates at given times.

We went away from that. We went to a system where the guidelines for particular grants and particular programs were sent out more precisely so that people knew that you didn't have to suck up to the right person in the right sort of way in order to get those grants, but there were actual definite guidelines prepared over a number of years by a number of different governments. I'll give the Davis government full credit for that and I'll give the Peterson government full credit for that, and Bob Rae too, if he wants it. There was a definite set of guidelines adopted so that municipalities knew that they were eligible for a certain kind of funding if they followed the procedures that were necessary in order to apply for them.

Unfortunately, what we are going back to with this slush fund of \$1.5 billion is the politics of the 1950s and 1960s, which was heavily patronage-oriented and the funding was heavily oriented that way. You can shake your head that it isn't so, but all I would say is that for a government that got elected on the premise that you wanted more decisions made at the local level, you've gone completely the other way. You're doing so in education, where there can be no doubt about it that Bill 160 is about a power grab by the central ministry, and you're doing it in this particular area too, where all of a sudden in order for people to get the necessary funding to adequately look after their municipalities, they may have to come to whichever minister is involved and basically go through the old routine that we used to many, many years ago.

The whole notion of government ought to be that the people that come to it know what the rules are and they know what rules to follow in order to apply for certain situations —

Mr Hardeman: That will never be clear.

Mr Gerretsen: Yes, yes. I hear what you're saying. But Ernie, you and I know that's different. That's going to be totally different. For a government that believes in local decision-making power to actually go back to a situation where a large part of the discretionary funding will be dealt with by a centralized power is completely the wrong way.

Mr Marchese: Just very briefly, and I want to be sure that Mr Hastings is not inhibited or prohibited from speaking, because we enjoy his comments — I hope that we are not discouraging him — on the matter of this forcing municipalities to be creative, he's right, because municipalities are going to have to become creative to make

cuts. That's all they're inheriting. They are inheriting a problem and they are indeed going to have to be creative on ways to cut services that will not have the negative impact that this bill will indeed have on them. They will have to be creative; he's right on that.

The Chair: Okay. Are we finished?

Mr Marchese: And my amendment?

1100

The Chair: We are voting on your amendment, Mr Marchese. All those in favour of Mr Marchese's motion? All those opposed?

Mr Gerretsen: I think Mr Carroll voted in favour, didn't he? Oh, it was a premature vote.

The Chair: The motion fails. All those in favour of section 3? Opposed? Section 3 carries.

Mr Carroll: Mr Chairperson, before we go to schedule A, I'd like to tell you that the parliamentary assistant for health will occupy a seat at the end of the table with the staff from the Ministry of Health. While I will read any amendments in this section, he will be the one to deal with any questions and any explanations.

The Chair: We are on schedule A. All those in favour of section 1? All those opposed? Section 1 carries.

We are now on to the government motion on page 5.

Mr Carroll: I move that subsection 2(2) of schedule A to the bill be struck out and the following substituted:

"(2) The definition of 'ambulance service' in section 1 of the act, as re-enacted by the Statutes of Ontario, 1996, chapter 32, section 59, is amended by striking out 'means a service, including the service of dispatching ambulances,' in the first and second lines and substituting 'means, subject to subsection (2), a service.'

Mr Tim Hudak (Niagara South): The purpose of this amendment is to clarify for the purposes of the act that an ambulance service does not include a communications service. The rest of Bill 152 makes clear that there is a difference between ambulance service and a communication service.

Mr Marchese: Is this one of those motions which can be labelled a drafting error?

Mr Gerretsen: I think so.

Mr Marchese: Is it a drafting error?

Mr Hudak: This clarifies the difference between an ambulance service and what a communication service is for the purposes of the act. I recommend supporting the amendment.

The Chair: I am just the Chairman, Mr Marchese.

Mr Marchese: Of course. This, Mr Chair, is an example for me of the kind of haste this government has been involved in. That haste produces errors in many, many areas. This is one of them and they're correcting that problem. But I argue it's due to the incredible haste with which they have been proceeding with each and every one of the bills they have presented.

The Chair: Debate? All those in favour of this motion? Opposed? This motion carries.

We are on to page 6, which is a further government proposal.

Mr Carroll: I move that the definition of "upper-tier municipality" in section 1 of the Ambulance Act, as set out in subsection 2(7) of schedule A to the bill, be amended by adding at the end "the county of Prince Edward and the municipality of Chatham-Kent."

Mr Hudak: This motion comes as a result of some recent municipal amalgamations to make sure that taxpayers receive better value for their dollar in Chatham-Kent and in Prince Edward, so they will be treated for the purposes of the act in the same way as upper-tier municipalities. That's why this motion is important. Again, I recommend supporting this motion.

Mr Gerretsen: I have a question. "The county of Prince Edward" is still there. The word "county" is mentioned in the section itself. It says "'upper-tier municipality' means a county...." "The county of Prince Edward" is still there. Why do you have to specifically define it as well?

Mr Hudak: Because of the amalgamations in those two particular areas of Ontario, we need to ensure that for the purposes of this act they will be treated in the same way as upper-tier municipalities.

Mr Gerretsen: They are upper-tier municipalities already, the county of Prince Edward.

Mr Hudak: Because of the amalgamations recently in those areas, they are a municipality that needs to be identified for the purposes of this act as an upper-tier municipality.

Mr Hardeman: Mr Chair, just for clarification, I believe in the new structure in the county of Prince Edward, the word "county" is part of their name and not the definition of an upper-tier municipality. I think that's the reason it requires the reference to it. It's not the upper-tier; it is a single-tier municipality called a county, as opposed to being an upper-tier county.

Mr Gerretsen: I'll accept that. That sounds reasonable.

Mr Marchese: I don't challenge the amendment. I challenge the statement by the member that says it's better value for the dollar. There's just no evidence for that. I state that for purposes of clarification for people watching, because it makes it appear that it's an affirmative action confirmed by some evidence. There's no evidence for it at all.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion carries.

All those in favour of section 2, as amended? All those opposed? Section 2, as amended, carries.

All those in favour of section 3? All those opposed? Section 3 carries.

All those in favour of section 4? All those opposed? Section 4 carries.

Mr Marchese, we're on page 7 of the package.

Mr Marchese: I move that subsection 5(5) of schedule A to the bill be amended by adding the following subsection to section 4 of the Ambulance Act:

"Training of personnel

"(4) The province of Ontario shall ensure the provision of adequate training for emergency medical attendants,

paramedics and communication services personnel and shall be responsible for the costs of such training.

"Same

"(5) The ministry shall develop standards for the training of emergency medical attendants and paramedics."

Chair, this adds to the list of provincial responsibilities the legislative requirement to provide training and develop standards. I know Mr Carroll is about to say they're doing this. We don't believe that's entirely clear, because there is no legislated requirement for this to happen. Our motion is intended to do that, and if the government is going to argue that they are doing that or will do that, they'll have no problem supporting the amendment.

The Chair: Mr Marchese, I have read standing order 56, and I'm going to ask for your assistance on this one as well, about whether this is a money proposal as set forth in the standing orders. I raise the question particularly about subsection (4) under "Training of personnel," whether that is a requirement for the spending of funds.

Mr Marchese: We haven't heard from Mr Carroll. I'm certain he's going to say that they are providing this, that the money is there for that. Once we hear from him, we'll have the same argument as we did for the previous section, so perhaps we should listen to Mr Carroll first and then see whether we have a different argument to make — or Mr Hudak.

Mr Hudak: The bill as it stands, with our amendments today, adequately addresses these concerns. It gives the minister the power to —

The Chair: Before we get into debate, I'm trying to determine whether this amendment is even in order. I haven't made a ruling; I'm simply asking whether this amendment is suggesting the payment of moneys, in contravention of standing order 56.

Mr Hudak: The other committee members may want to address it, but it seems to me that it does so, and my feeling is that it's out of order.

Mr Peter Kormos (Welland-Thorold): Please, Mr Hudak, who'd you get the nod from? You didn't address the issue. The fact is that subsection (4) of section 5 already inherently deals with expenditures of money. It speaks of the licensing of persons. That involves an expenditure of money. It speaks of establishment of standards. That inherently involves an expenditure of money, because establishing standards means going through the exercise of establishing them, monitoring them, assessing them. This already inherently involves an expenditure of money. The magnitude of that expenditure is irrelevant, but the fact is that it's inherent in the legislation. This amendment is complementary to the thrust of that subsection 5(4).

The Chair: Could I just ask for the committee's indulgence for a moment?

Mr Kormos and Mr Marchese, I agree that the motion is in order. Please proceed with your debate.

1110

Mr Marchese: You're quite right. I was about to argue, will these members, Mr Hudak or Mr Carroll, deny that they're going to be providing any training for emer-

gency medical standards? That's the question I was about to ask them.

The Chair: Please proceed with the debate.

Mr Marchese: I've heard they are providing training, but there is no legislative requirement to do so, and our motion makes it so. If they are denying they're providing some of these things, I'd like to hear it. If they are providing them, let's support the amendment.

Mr Gerretsen: I concur with what Mr Marchese has said. This matter is already indirectly covered in clause 4(2)(a) where it talks about the training of personnel for ambulance services etc. I think this section clearly sets out where that responsibility lies.

Mr Tom Froese (St Catharines-Brock): He already said it was in order, so what are you debating it for?

Mr Gerretsen: I'm debating the merits of the particular motion rather than whether it's in order or not. I had assumed all along that it was in order. I think you ought to be complimented on the excellent ruling you just made on that, Mr Chair, because it is in order.

The point is that this amendment clearly sets forth the responsibilities of the provincial government and it also gives the general public out there, when different municipalities, different organizations are going to be running the ambulance services, some feeling of comfort that the standards and the training that people have had throughout the province will be uniform. It's not as good as having a province-wide system operate, or having them attached to the hospitals the way it currently is, but at least it gives some comfort that the people who will be looking after the ambulances will not be subject to all sorts of different standards depending upon the municipality's ability to pay and to financially look after these services. I completely concur with the amendment.

Mr Hudak: I believe this bill provides the minister with the ability to address the concerns expressed by the members. The Who Does What exchange of services, the funding for training, is part of that allotment for municipalities. The minister, through some clauses in the bill and regulatory power, has the ability to address the concerns expressed before the committee today. I recommend rejecting the amendment, the motion.

Mr Sergio: Just a question, Mr Chairman. We have seen privatization already in some sectors, including ambulance service in some municipalities. I wonder if the province will continue to train people, pay for their training, and then will just transfer them to private enterprise. Also, I would like to know if there is any legislation implied or proposed that would see that these private companies will be engaging, hiring and have training for their own people or will be self-regulatory bodies. What is the responsibility of the province here? Or are we going to see the takeover of the ambulance service by private enterprise without any further provincial responsibilities in the matter? Perhaps Mr Hudak would like to respond to that.

Mr Hudak: This bill allows the minister to address those concerns on the privatization issue. Clearly the goal should be to provide the best ambulance service at the best price to the taxpayer. Come the year 2000, municipalities

will be able to make that judgement and make judgements as well in terms of training. The minister will have, through clauses in the bill and regulatory power, the ability to address the concerns before the committee today.

Mr Gerretsen: But that is precisely the problem. You have said on three or four occasions now that the bill will allow the minister to do certain things. This amendment speaks to the fact that the minister must do that to give some assurances to people in Ontario that these services are adequately looked after in our various municipalities. Quite frankly, most people don't believe in the regulatory power or what a minister "may" do. They would much rather have it in the act itself that the minister must do that. That's the only thing that will give people any assurances at all. That's what this is all about.

Mr Marchese: The parliamentary assistant appears to be speaking for the minister. He appears to be agreeing with me but then says, "Reject the amendment." He says the minister is concerned about this and will deal with it through regulatory powers. Are you agreeing with me that these things are either useful or essential, Mr Hudak?

Mr Hudak: I emphasize once more that in the envelope of funding from Who Does What, ongoing training is part of that. The municipalities can continue that, and I expect will address the concern you brought forward today, Mr Marchese.

Finally, this bill does provide adequate ability for the minister to respond to that concern if that existed. But my feeling on this bill is that the concern of the committee is adequately addressed through Bill 152.

Mr Marchese: Chair, I have a problem. I recall very clearly in the committee hearings that the province was going to fund training — and perhaps "adequate," I'm not sure — for emergency medical attendants, paramedics and the like. Was I mistaken during the hearings? I'd like clarification. During the hearings that's what I heard, that the ministry was doing this. He's saying the municipalities are now empowered to do this. I'm not quite clear whether Mr Hudak knows what the hell is going on.

Mr Carroll: I just wonder if I might suggest that possibly one of the staff people could help in this discussion, that they could maybe clarify the issue a little more. Is that a possibility?

The Chair: Could you identify yourself, please?

Mr Mel Springman: Mel Springman from legal services. The existing act — not Bill 152, but the existing Ambulance Act — provides for regulation-making power concerning the qualifications of ambulance attendants, their testing and their examinations. There are long-standing regulations in place, detailed regulations, dealing with the qualifications for ambulance attendants, paramedics. The intention is to expand on those and to have different classes of paramedics and EMAs listed in the regulations.

The regulations would also deal with the quality of patient care that ought to be provided by each class of paramedic. In addition, in clause 4(2)(a) of the bill, the minister would have the power to provide for pre-employment training in, for example, institutes. Much of

the pre-employment training is carried out by community colleges, and for a long time has been in community colleges and not by the ministry.

Mr Marchese: Are there things mentioned in this amendment that are covered by the province at the moment and in the future?

Mr Dennis Brown: Dennis Brown, emergency health services branch. The pre-employment training for basic paramedics is conducted at the community colleges. They come prepared to be paramedics when they are employed. The government is committed to continuing the funding for the OPALS project, the Ontario pre-hospital advanced life support project, through the basic completion of that program.

Further introduction of advanced paramedics into the province will be a decision made by municipalities as they determine what level of service they wish to provide to their communities. Should they wish to provide a higher level of care than the paramedics they have today, then they would choose to do that and fund that training as necessary.

1120

Mr Sergio: This is a point I have a problem with. Again we are saying the minister has the power, we are giving the flexibility to the local municipalities, we are doing the training, we are paying to train those people there, and then we allow the local municipality to decide. Because of the downloading — it comes down to that — the local municipality might now say, "We can't afford to have this ambulance service in this particular fashion, so let's give it to A, B, and C ambulance service. We don't really care because we've got to cut all over the place, as long as we have some service there."

We have used taxpayers' dollars to train these people. As we have heard from staff, there will be different classes. The various classes are not specified in Bill 152. It's not in the regulation. My problem is that now we are going to have taxpayers' dollars provided to train these particular people and then the local municipality says, "We can't afford it, so let them go to the private sector." It's something I just can't understand and cannot accept.

Mr Marchese: That's the concern that is driving much of what we are presenting today as well. We fear there will be a patchwork of service across Ontario. There's no doubt in our mind about this. The less involvement the province has, the more we're likely to see the municipalities, for a variety of different reasons, providing different kind of services depending on their interest and depending on the kind of dollars they have or do not have.

The fact that they're going to get less money from the provincial government means that many municipalities, not because they want to but because the money isn't there, will be forced to deliver a service that may not be up to the standards we would like. These motions are intended to keep the province in this sector, involved in the establishment of standards and involved in the establishment of adequate provision of training for emergency medical attendants and paramedics and the like. We hope the government members are interested in maintaining

these services. If they are, they will support it; if not, we'll understand where they're moving to.

Mr Kormos: This is so consistent with so many other things this government has done from Bill 26 onward. It's clear, just as when we examined Bill 84 with the firefighters, just as in Bill 142, that this is, among other things, facilitating legislation to accommodate private providers, the Rural/Metros of America or any other number of private service providers. This government talks a big game about self-regulation. By not accepting this particular amendment, it's confirming that that's exactly where it stands, that it doesn't want to impede the ability of private operators, corporate, for-profit, almost inevitably American-based, to maximize their profits by ensuring a uniform level of training and the assumption of the costs of that training.

This is so transparent, Mr Hudak. It's sad that you're endorsing a provision that is opening the doors even further to make sure that your Premier's corporate buddies can make profits on the backs of sick people, those suffering traumatic accidents, traumatic injuries in communities. Your rejection of this amendment is just so transparent an endorsement and a clear indication of your goal, which is privatization, facilitating and permitting communities to utilize private ambulance services. The people of Ontario didn't ever indicate a desire for that; in fact, they've rejected it consistently — the prospect of privatization of ambulance services, health care, fire-fighting services, yes, police services — over the course of the last two years and months.

Mr Hudak: To sum up on this particular issue, the municipalities — the level of government closest to the taxpayer — will be deciding who best to provide ambulance services for the people in their communities at the best price to the taxpayer. The minister's role through this bill and throughout the legislation will be to ensure that minimal acceptable standards are there. As well, as I mentioned earlier, the funding for municipalities, the cost in Who Does What for ambulance services, does include ongoing training expenses.

I believe the bill as it stands adequately addresses this issue, and I do not support this motion as it stands.

Mr Gerretsen: Have you changed your position from what you said a few minutes ago? A few minutes ago you were saying that the government is already doing this. Now you're saying that the municipalities will decide what kind of training the ambulance attendants will have.

Is that your position, that the municipalities will decide the kind of training, the kind of expertise and level of service that ambulance services will be providing in those municipalities? If that is so, it's totally different from what you said earlier. Earlier you said that the act already provides the minister with these powers to have these kinds of training courses. If that's so, now I can at least see why you're reluctant to have this enshrined in legislation.

Speak clearly for the people of Ontario. Tell them clearly that municipalities are going to determine the standards of care as far as ambulance service is concerned and the kind of municipal ambulance services that will be

available in the different municipalities, because that's not the message that has been given so far by the government.

Mr Froese: This act and the existing acts already provide for those qualifications and those standards of training. The only thing municipalities are going to be responsible for is the cost associated with that. The standards are already in this act and the existing act. Community colleges provide for the training of paramedics. Those qualifications are already there. That's not even up for debate, and this amendment doesn't debate that. The debate is that the costs associated with land ambulance services are going to be in the jurisdiction of the municipality.

Mr Marchese: On page 5 of the bill, part II, "Powers of the minister," it says under "Provincial responsibilities":

"(2) The minister has, in addition to the powers under subsection (1), the power,

"(a) to establish and operate, alone or in cooperation with one or more organizations, institutes and centres for the training of personnel for ambulance services and communication services."

It says the minister has the power to do this. We don't know whether he will. Our motion says if you have the power to do this, then do it. All our motion says is "shall ensure the provision" of what they already say the minister has the power to do.

Presumably, the minister has this power, and it's stated there in "Powers of the minister," (2)(a). So why not guarantee it, as we have in our motion? If they mean the minister to have this power, and it presumably means they will do what we are suggesting in our amendment, why not just include it and therefore assure us that this will indeed take place?

Mr Froese: The requested amendment is redundant because it's already in the existing act and in Bill 152. What you're saying is already there. It's a matter of mixing words, that's all, because it's already in place; it's already there.

Mr Marchese: You're saying the power is already there. What I think you're saying is that what we are proposing in our amendments is already in there.

Mr Froese: It's already addressed.

Mr Marchese: But it isn't. Maybe the Ministry of Health and other civil servants want to speak to that. The power is there for the minister to establish and operate, alone or in cooperation with one or more organizations, institutions and centres, for the training of personnel. It doesn't say the minister "shall" do this. He or she has the power to do so. It's not the same. Our amendment makes certain that it will happen. You've got the power to do it. We're saying, let's ensure it in legislation. It's quite a different thing.

Mr Kormos: Mr Hudak, as the parliamentary assistant to the Minister of Health, these clause-by-clause considerations sometimes move along at a rapid-fire pace. There is amendment after amendment to deal with. I've been watching your career over the course of the last two years. Trust me, Mrs Witmer is going to be proud of you for having made a decision that will have indicated your

ability to think on your feet, to respond quickly to situations. This clearly, according to Mr Froese, is what she wanted to happen. Earn yourself some points with the ministry. Protect the stature you've acquired. Open the doors for your own future to the prospect of sitting at that cabinet table. Show that you've got the integrity and gumption and the understanding of this legislation to say, "Yes, that's exactly what Mrs Witmer would have wanted." She'll be proud of you.

Mr Hudak: Thanks to Mr Kormos for his advice. I would indicate to him that, as Mr Froese said, the provisions exist in the legislation to set those standards, those qualifications, and as I have said, the funding for training is included in the cost of the Who Does What services at that level. To reiterate my position, that's where I stand.

The Chair: I think we're finished. All those in favour of the motion?

Mr Carroll: Mr Chair, could I have a five-minute recess, please?

The Chair: Okay, a five-minute recess.

The committee recessed from 1133 to 1138.

The Chair: Ladies and gentlemen, we are in the process of having a vote on Mr Marchese's motion.

Mr Marchese: Could we have a recorded vote on this one, Mr Chairman? This is an important one.

Ayes

Gerretsen, Marchese.

Nays

Carroll, Froese, Hardeman, Hudak.

The Chair: The motion fails.

All those in favour of section 5? All those opposed? Section 5 carries.

It appears that the pages are out of order. Instead of page 8 in your package, we will proceed with pages 19 and 20, and then page 8. There is a New Democratic motion on page 19 which should be dealt with at this time, followed by page 20, and then we'll return to page 8.

Mr Marchese: I move that section 6 of the Ambulance Act, as set out in section 6 of Schedule A to the bill, be amended by adding the following subsection:

"Limitation on amount of costs

"(1.1) Despite clause (1)(a), the maximum amount that an upper-tier municipality shall be responsible for paying in any calendar year under that clause shall be the amount of the costs associated with the provision of land ambulance services in that municipality during the 1997 calendar year, as adjusted in accordance with the annual rate of inflation.

"Same, Province to pay excess

"(1.2) If in any calendar year, the amount of the costs associated with the provision of land ambulance services in an upper-tier municipality exceeds the maximum amount referred to in subsection (1.1), the municipality shall send the ministry notice of the excess amount and the

ministry shall pay the municipality the amount within the time period specified in the notice."

We believe that costs of ambulance services will increase. This motion I've just read allows everybody to understand that there will be an inconsistency of the download with respect to the provision of the hospital restructuring. We know there will be fewer and more specialized hospitals around the province, especially, we argue, in rural Ontario. Because of this, there's going to be much more reliance on ambulance services. We heard that in a number of deputations we had from various people across Ontario last week.

Therefore, we believe these amendments will protect those municipalities that will not have the money when those costs of ambulances increase, thereby putting them in a position of not being able to deal with that problem. This protects them. Where the costs are above a certain amount, it says the province will be there to help them out. That's the intent of this motion.

The Chair: Before we get into debate — I appreciate the committee members helping me — I'm going to ask the same question again about whether this motion contravenes standing order 56. For example, the very last sentence says, "the ministry shall pay to the municipality the amount within the time period specified in the notice." My question is the same as it was in the previous two questions: Is this a money bill? If it is, it's out of order.

Mr Gerretsen: It can't possibly be a money bill if what the government has been saying all along holds true. They've been saying that these are revenue-neutral downloads. If they are, the proof is in the pudding. If not, I suppose the government members will be voting against this amendment. If they really mean what they've said all along, that the amount of money being transferred is as per the statements that have been made by the Minister of Finance and other people, how could they possibly vote against this? It doesn't include any money, according to what the government has been saying, and if it doesn't include any money, it doesn't contravene standing order 56.

The Chair: I'm asking for assistance, not a debate.

Mr Marchese: We're trying. A similar argument: You'll recall that Mr Gilchrist, in a number of the hearings across Ontario, was adamant and vociferous about this point. He said, "If there is a shortfall, the government of Ontario is there to pay for it." He seemed to give us his personal assurance that that would happen. This amendment speaks to that. If there is a shortfall, the province will pick it up. This does exactly what Mr Gilchrist is saying. In the event that it isn't as they say it is, the government is there to pick up the shortfall. That's what this amendment does. Mr Gilchrist said, "We are going to pay for any shortfall, should there be any."

Mr Hardeman: On whether the amendment is in order, Mr Chair, contrary to the previous two rulings of the Chair that money could be expended and the motion still be in order, I suggest that this one goes slightly beyond the other two. Not only are we talking about what may transpire in this calendar year or the next calendar year; the

motion speaks to any calendar year beyond 1997. In my opinion it would be expending provincial moneys down the line. I suggest it is out of order because it expends money beyond what has been allocated or discussed in any debate so far.

Mr Carroll: Similarly, this amendment does obligate the government to an expenditure of money some time in the future, 1998, 1999, 2000, ad infinitum, and as a result is a money bill because it does obligate the government to pay funds. I agree that the motion is definitely out of order.

Mr Marchese: Mr Chair, you need the context, and that's the context that we've been providing as a way for you to rule on these motions. Both the members who just spoke said that this forces the provincial government to spend money down the line. We're not saying that. The subtlety of the point is that they argue that it will be revenue-neutral. They argue there will not be any more expenses than at the current time, or that whatever is being provided through the community reinvestment dollars will be there to provide for shortfalls.

We're saying that if that is the case and there is an increase beyond the current limit of what is expended at the moment, the province should be there to help them out. Isn't that the argument they make with respect to the community reinvestment fund to help out with any shortfall? That is what I believe that fund is there for.

They're arguing that this commits the provincial government to spend money down the line. Yes, it does. In the event that costs exceed a certain level, then yes, it commits the government to spend that money. But presumably your community reinvestment fund is there to provide for that.

Mr Carroll: It has nothing to do with that.

Mr Marchese: That's the same ruling that the Chair has made in previous cases. The same application of the judgement or the ruling should be made in this case.

The Chair: Mr Marchese, you have done it again; you've convinced me. It appears that the ambulance financing exists now, and because it exists now, you're not asking for the expenditure of new moneys.

Mr Marchese: There you go. Chair, you are eminently reasonable — with the advice of the people beside you, of course. But that's the point we're making.

The Chair: Please proceed with the debate before I change my mind.

Mr Marchese: We want your colleagues who are Conservative members to be as reasonable as you. If these amounts exceed the current levels of funding, are they going to be there to help the municipalities out? That's the question I put to Mr Hudak or whoever else wants to answer. Speak against the amendment or speak in favour of it. That's what I want you to do.

Mr Hudak: Under the Who Does What exchange of services, the municipalities will be responsible for the funding of ambulances in order to deliver the best quality of service at the best price. To ask the province to come back into the funding goes counter to the principle of this

bill. I recommend not voting for this motion, to reject this motion.

Mr Marchese: That wasn't an answer, Chair. Does somebody else want to take a crack at that?

Mr Gerretsen: Can Mr Hudak confirm that the downloading of this service is in accordance with the figures that were released by the Minister of Municipal Affairs and the Minister of Finance, that we're talking about \$120 million, or is there a possibility that it could be more than that? We're trying to protect municipalities, that the download won't be more than your own figures have stated it will be. Are you not prepared to commit to the proposition that if it is actually more, the province will come up with the money? That's what this amendment is talking about.

Mr Carroll: Maybe I can shed a little light on this. Bill 152 calls for municipal governments to fund the cost of ambulance services. This amendment would call for those costs to be shared. It is therefore contrary to the spirit of the bill and the intent of the bill, and therefore we cannot support it.

Mr Marchese: How could it be contrary?

Mr Carroll: This amendment calls for the costs of the ambulance services to be shared in certain circumstances. The intent of the bill is the municipalities will pay the cost of ambulance services. Therefore, this amendment is contrary to the intent of the bill.

1150

Mr Sergio: Let me take the Chair and the members back to page 5, subsection 5(3). It says:

"Grants by minister

"The minister may" — it doesn't say "shall" — "make grants to upper-tier municipalities, local municipalities, delivery agents and operators for the purpose of ensuring the provision of services under this act."

If we are shifting the responsibility to the local municipality — it's an imposition by the upper-tier government, which is the provincial government. We are telling the local municipality, "You have to pay to provide that service." The government is imposing upon them and saying, "You have to provide the service, but you have to pay." The government is washing its hands, saying to the local municipality, "We are going to train within reasonable limits." Either you transfer that responsibility or you don't. This is the problem associated with the entire clause here.

I would be much more convinced of the seriousness if the were government willing to ensure that the continuity of service indeed will be provided within the municipalities. If the government is so intent, why don't we change this clause from "may" to "shall"? It is totally unacceptable. This is how the government has been clever in coming back to us and saying, "But we have something in there that says the minister may offer some assistance."

If this is the intent of the government, let's change that. Let's say "shall," not "may." I think it would be clarified for us, the members, and for the public as well, especially the municipalities. Now we are telling them, "Pay with no say." That's where we and the municipalities differ with

the government, the total unloading facets of the down-loading bill and stuff like that.

Mr Marchese: We believe that hospital restructuring, particularly in rural areas in the north, will cause a greater reliance on ambulance services, and therefore costs will increase. Part (a) says upper-tier municipalities will pay a certain amount as it relates to 1997, but if in future years this is exceeded because of a number of things happening as a result of government restructuring, the provincial government should take some responsibility for amounts in excess of what we are currently paying.

That, to me, is a reasonable thing. This says, "In the event that this should happen, you, province, take some responsibility for it." If it's in your budget — the community reinvestment money — to help them out with any undue amounts of money that were unexpected or to offset some costs, presumably that money's there. I'm assuming you're going to pay for any unexpected dollars or services assumed by the province. If that is so, this should not offend you. This says, "Yes, it might happen, if it does, we'll pay for it," and the money is there to do so. I don't see how it's contrary to anything you're doing.

Mr Kormos: Let's refer back to the section the committee just passed, section 5 of part II, schedule A, wherein the minister clearly has the power to establish standards for the management, operation and use of the services. So the government retains the power to legislate what's required but then absolves itself of fiscal responsibility for ensuring that a municipality can meet that standard. You can't have it both ways.

Mr Marchese: They can.

Mr Kormos: You can try that tactic in terms of your rhetoric, in terms of your polemics, but you can't have it both ways. Either this is going to cost municipalities more money, which means increased property taxes at the end of the day, regressive property taxes which are going to whack seniors and fixed-income and low-income people, or you're going to reduce ambulance standards. Otherwise, you'd be encouraging the adoption of this amendment. This amendment says that the province having foisted financial responsibility on to municipalities but having assured them at the same time that this isn't going to result in — because that's the line out there, that property taxes aren't going to go up.

Mel Lastman buys into that line, but then again, he's in Mike Harris's back pocket. We understand that. If the people of megacity Toronto want to vote for a Harris clone, they can vote for Mel Lastman.

But it remains that you can't have it both ways. You can't say we're going to maintain standards, but then that we're going to foist costs on to the municipality, with its only revenue source being property taxes, and not expect those costs to increase. You're guaranteeing municipalities that those costs won't increase. The only way you can do that is by adopting the amendment of Mr Marchese.

Mr Marchese: There you go.

The Chair: It's now 12 o'clock.

Mr Marchese: Let's vote on this.

The Chair: If the committee wishes to continue, I don't mind. I have Mr Gerretsen next on the list.

Mr Gerretsen: Just a very short comment in support of this motion. If you look at subsection 6(3), right on page 6, it clearly states that until January 1, 2000, the minister shall ensure the proper provision of land ambulance services throughout the province. If he is saying that the standards out there right now are going to be adhered to until the year 2000, why are they not willing to commit themselves to the fact that if it turns out that the amount of money that they have guesstimated it will cost to run the ambulance services being downloaded to municipalities, \$120 million, is not the right amount, that they will ante up the difference? They're already saying that in legislation. Why aren't they committing themselves to that in actual dollars and cents by agreeing to this particular amendment?

The Chair: I have no further speakers. All those in favour of this motion?

Mr Marchese: On a recorded vote.

Ayes

Gerretsen, Marchese, Sergio.

Nays

Carroll, Froese, Hardeman, Hastings, Hudak.

The Chair: The motion fails.

It's a little after 12 o'clock. We will recess until 1:30, at which time we will continue with page 20 of the package, which is a government motion.

The committee recessed from 1158 to 1333.

The Chair: Ladies and gentlemen, we'll reconvene. I believe we have completed page 19 of the package and we will now proceed with page 20, which is a government motion.

Mr Carroll: I move that section 6 of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by adding the following subsections:

"Same, agreements as between municipalities

"(2.1) If an ambulance is dispatched from an ambulance service situated in an upper-tier municipality or in a local municipality to an area situated in another upper-tier municipality or local municipality, the affected upper-tier and local municipalities may enter into an agreement with respect to the costs associated with the provision of land ambulance services in both municipalities.

"Agreements, application

"(2.2) subsection (2.1) only applies with respect to a local municipality that does not form part of an upper-tier municipality for municipal purposes.

"Conflict

"(2.3) If there is a conflict between a provision in this act or a regulation and a provision in an agreement made under subsection (2.1), the provision in the act or regulation prevails."

Mr Hudak: Just as an explanatory note, the new provisions through this motion allow upper-tier and local

municipalities, including separated cities, to enter into agreements respecting the apportionment of costs; for example, land ambulance costs if a land ambulance is delivering service between two different municipalities dispatched to the other municipality. It further goes on to say that the act or any regulation respecting the apportionment of such costs would prevail over an agreement if the two were in conflict. That's the basis of this motion and I support the motion.

Mr Gerretsen: I'm curious on the wording that is used. It states, "If an ambulance is dispatched." It's got to read, "If an ambulance is intended to be dispatched to an area in another municipality," does it not? I mean, you don't enter into these agreements once an ambulance has actually been dispatched. Once an ambulance has been dispatched, you want it to get on with its work and to pick up the patient as quickly as possible and transfer the individual to a hospital etc. The wording is very strange here. I'm sure agreements are to be made well in advance and they are to be agreements that are made for a long period of time, but not on a case-by-case or individual basis. The wording in this particular section, the way you start that off, it sounds very much as if it's only to be done once the ambulance has actually in fact been dispatched. I'm just wondering whether you have any comments on that. Who drafted this, in other words?

Mr Springman: The intention by the words, "If an ambulance is dispatched," is that it is to read, "In the case where an ambulance is dispatched." "If" is "where" and it contemplates agreements that arise "in the case where." So it wasn't intended to be temporal, chronological. It was just sort of a way of introducing the amendment, as "in a case where."

Mr Gerretsen: That makes eminent good sense.

Mr Marchese: We can vote on this?

The Chair: Yes, we can. All those in favour of this motion? All those opposed?

Mr Marchese: I'm opposed to it.

The Chair: The motion carries.

Mr Marchese: I'm opposed to the whole bill. There might be a few things —

The Chair: We are now going to revert back to page 8, which is a government motion.

Mr Carroll: I move that subsection 6(4) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "other than a county" in the fourth line.

Mr Hudak: As an explanatory note, this will mean that any upper-tier municipality will have the qualified right, as of January 1, 1998, to assume early responsibility for the provision of land ambulance services — region, county, what have you; it's more clear now.

The Chair: All those in favour of this motion? All those opposed? This motion carries.

We're now on to page 9, which is a government motion.

Mr Carroll: I move that subsection 6.3(1) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be struck out and the following substituted:

"Two-year protection period for certain operators

"6.3(1) Subject to section 6.5, the following operators shall be entitled to continue to be licensed to operate an ambulance service until the end of the protection period:

"1. A person who was licensed to operate an ambulance service immediately before the beginning of the protection period.

"2. A person who is issued a licence to operate an ambulance service during the protection period if the ambulance service that the person is licensed to operate was, immediately before the licence is issued, operated by the ministry."

Mr Hudak: The new paragraph 2 of the subsection deals expressly with the status of new operators of ministry-run services. In other words, the provision ensures that these new operators be treated in precisely the same fashion as other operators under Bill 152.

The Chair: All those in favour of the motion? Opposed? The motion carries.

On to page 10.

Mr Carroll: I move that subsection 6.3(2) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by inserting "referred to in paragraph 1 of subsection (1)" after "person" in the first line.

Mr Hudak: This is complementary to the previous amendment and I think the next two that follow. The subsection refers solely to existing licensed operators and the next amendment is going to deal with the latter operators from part II.

The Chair: All those in favour of this motion? Opposed? This motion carries.

Page 11.

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Mr Carroll: I move that section 6.3 of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by adding the following subsection:

"Same

"(2.1) A person referred to in paragraph 2 of subsection (1) shall, during the protection period,

"(a) provide the same type of land ambulance services as was provided by the ministry before the day the person was licensed to provide those services;

"(b) provide those services in the same manner as they were provided by the minister before that day; and

"(c) be compensated for those services on a similar basis as the basis on which the ministry paid for the provision of the services before that day."

Mr Hudak: This is the third of four related house-keeping motions. It ensures that the new operators will be treated in the same way as all other operators and municipalities under Bill 152.

The Chair: All those in favour of this motion? Opposed? This motion carries.

Page 12.

Mr Carroll: I move that subsection 6.3(3) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "who holds a licence to operate an ambulance service on January 1, 1998" in the

first and second lines and substituting "referred to in subsection (1)."

Mr Hudak: Fourth of four complementary house-keeping amendments on the same topic.

The Chair: All those in favour of this motion? Opposed? This motion carries.

Page 13.

Mr Sergio: I move that subsection 6.4(9) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be struck out and the following substituted:

"(9) The municipality shall pay to any person required to cease operating an ambulance service as a result of the selection such sum of money by way of compensation for the value of the ambulance service to the operator as is consistent with the principles of law and equity."

I think the amendment is quite explicit. It deals with compensating any individual or operator with respect to benefits, as any other employee would be compensated under the existing laws. We have moved this amendment so that provision is provided and assistance given in the same way.

Mr Marchese: We support this particular motion. There were a number of operators, as you know, that came in front of the committee very concerned about the fact that this provision would simply expropriate people without any regard to compensation for the value of the licence and capital investment to the current operator. We feel that's a problem, particularly to you Tories, who normally would speak in favour of these kinds of things. It surprises me that you would have very little regard for these small businessmen and women.

We felt that somehow, because of the hearings and because of the number of deputants who spoke against it, that some of you might have had some clause that would attempt to resolve it. Clearly it's difficult to perhaps come to a figure on how they might be compensated, but some effort to talk about that, given the level of investment that many of these people put in the field. I am surprised by the lack of Tory due regard to an issue that they're normally sensitive to. I'm not sure. They've alienated half of the population if not three-quarters already. I don't know who else they are making enemies of on a regular basis. I suspect that has become a consistent trait of the government, to alienate the whole world, and this appears to be yet another group that you're alienating.

I am in support of this, given that a number of people have invested a lot of money into it. This doesn't speak to their concerns at all. The fact that there is no government amendment doesn't speak to anything other than this amendment that attempts to get to the problem.

Mr Gerretsen: Just to follow up on that, I think people should clearly understand that what we're talking about here is the same fair compensation rules that apply in law and equity now. You may be interested in knowing, particularly the government members, that this was an amendment that was supported completely by the Canadian Federation of Independent Business. I know how the government members like to listen to that organization. I hope they would see it in their wisdom to actually support

this amendment which is supported by one of the main groups supporting you.

Mr Hudak: During the protection period, the existing operators will have a two-year guarantee for running that service that of course meets regulations and high standards. That having been said, it also provides them with an opportunity to work closely with their municipal partners and develop a strong relationship to develop an even better service potentially in the future. That's why I recommend not passing this motion.

Mr Marchese: It ticks me off a little bit, Mr Chair, every time Mr Hudak does this. I know the word is a tiny little word, "ticked" off, but it does.

The Chair: You're annoyed, Mr Marchese.

Mr Marchese: He continues to talk about improving the service, "We're going to make it better." That's the only regard he seems to have, to some vague idea that things are going to be better. There are no assurances of that whatsoever. In fact, the ambulance people who came in front of committee, many of them said: "Keep the current system in place. It's working just fine." All we have is a Tory promise, by M. Harris and all of the other mercenaries that belong to his party who continue to say, "We're committed to making it better and we're going to do things so that municipalities are going to be able to deliver better service," all with this promise, and hope that the rest of you listening out here are going to believe these guys. It's just based on a belief that they're trying to communicate, not based on any fact, that things are going to be better.

When Mr Hudak says, "We're against this because we think what we're doing is going to create an even better service," there's no basis for that whatsoever. Who believes them? I'm sure, Mr Tilson, that you as a fair Chair are having a hell of a time with these things because you've become fair-minded, you're objective, and objective people are having a difficult time dealing with this issue. I know that the public is grappling with this problem these Tories are causing.

Mr Sergio: It is a very commonsense amendment and I fail to understand why the government members would not support something like this. The bill as it is does not leave any room for any particular individual operator that, for whatever reason, may not continue to be engaged in providing that particular service. The legislation clearly penalizes such individual operators, does not give them the right to any appeal whatsoever, justly or unfairly. There is no right for any such person. Bill 152 denies this legal right.

How can we say we are being fair to someone who has been providing a service, creating employment, providing employment, and now, after two years, rightly or unjustly, may be thrown away, may be put out of business because of the content of this bill? We are refusing to recognize the rights of those individuals who have been providing a service to a local community, and now the local municipality may be forced, against their own will, to discontinue that good service and go perhaps with a lower service and

still put somebody else out of business. How can we not support something like this?

Mr Gerretsen: I would like a recorded vote so I can send the results of this vote on to the organization of Canadian independent business.

The Chair: Mr Gerretsen wants a recorded vote. All in favour of this motion?

Mr Sergio: Mr Chair?

The Chair: I'm sorry, Mr Sergio.

Mr Sergio: If I may, this is supported by the very omnipotent Canadian Federation of Independent Business.

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The Chair: You're not going to be long, because we're in the middle of a vote here.

Mr Sergio: No. As well, this was supported by the Ontario Ambulance Operators' Association, all people who have been highly associated with your party.

The Chair: A recorded vote.

Ayes

Gerretsen, Marchese, Sergio.

Opposed

Carroll, Hardeman, Hastings, Hudak.

The Chair: The motion fails.

We are now on page 14, which is a government motion.

Mr Carroll: I move that subsection 6.5(7) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "under this section" in the second line and substituting "by the minister under clause (2)(a)".

Mr Hudak: This amendment would make it clear that the licence issued to the new operator would expire at the end of the protection period, thereby allowing municipalities to exercise the rights of selection under Bill 152, but only where the minister had selected the operator under section 6.5 during the protection period. If a municipality made that selection under section 6.5, it can exercise its right of selection clearly now.

The Chair: Debate? All those in favour of this motion? Opposed? The motion carries.

We're on page 15.

Mr Carroll: I move that subsection 6.7(1) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "a person or organization" in the second line and substituting "an organization."

Mr Hudak: Since no natural person could be designated as a delivery agent and municipalities are mentioned specifically in subsection 6.7(2), the term "person" is superfluous and that's why we're taking it out.

Mr Marchese: What does a "natural" person mean?

Mr Springman: It's an individual.

Mr Marchese: "Natural" means an individual?

Mr Springman: As opposed to a corporate person.

The Chair: Further questions? Debate? All those in favour of this motion? Opposed? The motion carries.

We're on page 16.

Mr Carroll: I move that subsection 6.7(2) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "persons or" in the first line.

Mr Hudak: This is complementary to the previous motion we just passed. Again, no natural person could be designated as a delivery agent.

The Chair: All those in favour of this motion? Opposed? This motion carries.

We're on page 17.

Mr Carroll: I move that subsection 6.9(8) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "section 22.1" in the fifth line and substituting "section 22.0.1."

Mr Hudak: This is a housekeeping motion as well. It corrects an incorrect cross-reference in subsection 6.9(8) that came about from Bill 67, the red tape bill. It made the change necessary.

The Chair: All those in favour? Opposed? This motion carries.

Page 18.

Mr Carroll: I move that clause 6.10(2)(a) of the Ambulance Act, as set out in section 6 of schedule A to the bill, be amended by striking out "section 22.1" in the fifth line and substituting "section 22.0.1."

Mr Hudak: This amendment accomplishes the exact same task as the previous amendment we just passed.

The Chair: All those in favour? Opposed? This motion carries.

We have concluded section 6. All those in favour of section 6, as amended? Opposed? Section 6, as amended, carries.

Unless anyone objects, all those in favour of sections 7 through to and including section 16? Opposed? All those sections are carried.

We are now on proposed amendments to section 17, which is page 21. It's a government motion.

Mr Carroll: I move that section 17 of schedule A to the bill be struck out and the following substituted:

"17. Section 21 of the act, as amended by the Statutes of Ontario, 1997, chapter 15, section 1, is repealed and the following substituted:

"Payment of copayment by municipality or delivery agent

"21. If a person who is transported in an ambulance is receiving general assistance from the municipality under the General Welfare Assistance Act or assistance under the Ontario Works Act, 1997 or is the dependant of a person receiving such assistance, the municipality or the delivery agent designated under the Ontario Works Act, 1997 is also liable for and shall pay that person's share of the ambulance service operator's fee as established under subsection 22.1(2)."

Mr Hudak: This means that if an individual who was on general welfare or Ontario Works, or a dependant, uses an ambulance, then the municipality will be responsible for the copayment.

Mr Gerretsen: Just a question: I'm not sure where we are. What page of the bill are you on?

The Chair: We're on page 21 of the package, page 17 of the bill.

Mr Gerretsen: So the section you're dealing with then is the last three lines of page 17 and the first line on page 18. That's all you're dealing with. I'm talking about the bill itself now.

The Chair: Yes.

Mr Sergio: Just briefly to note that this will open up the doors, really, for user fees between individuals, regardless if they can or they cannot pay, and the various municipalities and the provider of the service. This opens the door for more user fees.

Mr Marchese: At the moment the province is paying for that. Is that not the case? Under these circumstances the province is paying for this, correct?

Mr Brown: Currently recipients of general welfare assistance or family benefits are not required to pay the cost of land ambulance service copayment charges. This extends it also to the dependants of those recipients.

Mr Marchese: Currently not required to pay.

Mr Brown: Today it's only the recipient who receives no charge. Dependants are not covered by the current legislation. This will extend the free coverage to the dependants of the recipients as well.

Mr Marchese: But the municipality picks up the tab.

Mr Brown: That's correct.

Mr Marchese: At the moment they don't have to pay. Who picks up the tab at the moment?

Mr Springman: Right now, under section 21, if you're receiving general welfare assistance or your dependant is receiving general welfare assistance, the municipality picks up the tab.

1400

Mr Marchese: At the moment.

Mr Springman: Yes.

Mr Marchese: It continues.

Mr Springman: That's right. All this does is expand the class of persons who will not in fact have to pay any copayment, the copayment being under the Health Insurance Act.

Mr Marchese: Yes, except the municipality, of course.

Mr Springman: That's right, or a delivery agent under the Ontario Works Act. But the patient won't.

Mr Marchese: Right. We appreciate that, but municipalities, or whoever is responsible to make the payment, are burdened yet again with additional costs, I'm assuming, and that's part of the download, where the province is downloading problems to the municipality under the guise that these are the jurisdictions better able to manage the problems. They are picking up additional costs as the province frees itself of these problems.

The Chair: Thank you, Mr Marchese. Mr Gerretsen?

Mr Gerretsen: The same point has been made, thank you.

The Chair: Further debate? All those in favour of this motion? Opposed? The motion carries.

All those in favour of section 17, as amended? All those opposed? Section 17, as amended, is carried.

We are on to page 22 of the package. It's a government motion.

Mr Carroll: I move that section 18 of schedule A to the bill be amended by adding the following subsections:

"(1.1) Subsection 22(1) of the act is amended by adding the following clause:

"(a.1) prescribing standards for the equipment used in communication services and for their maintenance and repair."

"(1.2) Clause 22(1)(b) of the act is amended by inserting 'and communication services' after 'ambulance services' in the second line.

"(1.3) Clause 22(1)(c) of the act is amended by inserting 'and by communication services' after 'operators' in the third line.

"(1.4) Clause 22(1)(d) of the act is amended by inserting 'and communication services' after 'ambulance services' in the second line."

Mr Hudak: This amendment would add regulation-making power with respect to communication services. The bill distinguishes between ambulance services and communication services and essentially it makes explicit that there will be regulatory-making powers for things like equipment standards, operation of communication services, etc. Essentially it mirrors the same kind of regulation-making powers in the context of ambulance services.

Mr Marchese: Just a question: Is the prescription of standards for equipment used in communication services and for the maintenance and repair likely to bring about greater costs to the municipalities when we do that?

Mr Brown: It is unlikely that any cost increases will be incurred by the municipalities. This is intended to ensure that all municipalities and all ambulance service operators maintain their ambulance communications equipment on the same frequencies and use equipment that's compatible so that there can be communications between all ambulance services to ensure compatibility.

The Chair: All those in favour of this motion? Opposed? This motion carries.

Page 23.

Mr Carroll: I move that clauses 22(1)(e.2) and (e.3) of the Ambulance Act as set out in subsection 18(3) of schedule A to the bill, be struck out and the following substituted:

"(e.2) governing the costs associated with the provision of land ambulance services in an upper-tier municipality or designated area, including the method of determining such costs and the payment of the costs;

"(e.3) governing the compensation to be paid by an upper-tier municipality or delivery agent to another upper-tier municipality or delivery agent in the event an ambulance is dispatched from an ambulance service situated in an upper-tier municipality or designated area to an area outside the municipality or designated area to which ambulances from the ambulance service are not regularly dispatched;

"(e.0.4) governing agreements made under subsection 6(2.1)."

Mr Hudak: This enables the minister to make regulations respecting costs of the land ambulance services if it's unclear for some reason or other, and they have to be separate regulations, which Mr Carroll had mentioned could arise when an ambulance from one of the municipalities is dispatched to another. Other clauses deal with essentially the same thing, when essential service is not regularly provided. Basically, it adds flexibility to the regulation-making powers to address these issues.

The Chair: All those in favour of this motion? Opposed? This motion carries.

We're on to page 24 of the package.

Mr Carroll: I move that clause 22(1)(e.4) of the Ambulance Act, as set out in subsection 18(3) of schedule A to the bill, be amended by inserting "the apportionment and" after "governing" in the first line.

Mr Hudak: This amendment deals with apportionment of the costs associated with the provision of ambulance services in a designated area. Currently, the act talks about payment of such costs. It is silent on apportionment. This adds the apportionment piece.

The Chair: All those in favour of this motion? Opposed? This motion carries.

We are on to page 25.

Mr Carroll: I move that subsection 22(2) of the Ambulance Act, as set out in subsection 18(4) of Schedule A to the bill be struck out and the following substituted:

"Same

"(2) A regulation under clause (1)(e.2) or (e.3) may provide that it applies despite any provision in an agreement or class of agreements referred to in subsection 6(2.1).

"Apportionment in upper-tier municipalities

"(2.1) A regulation under clause (1)(e.2) may do one or more of the following:

"1. Authorize local municipalities situated in an upper-tier municipality to determine by agreement how the costs associated with the provision of land ambulance services in the upper-tier municipality are to be apportioned among them.

"2. Provide for an arbitration process to determine how the costs associated with the provision of land ambulance services in an upper-tier municipality are to be apportioned among the local municipalities situated in the upper-tier municipality.

"3. Set out the manner in which the costs associated with the provision of land ambulance services in an upper-tier municipality are to be apportioned among the local municipalities situated in the upper-tier municipality.

"Agreements

"(2.2) A regulation made under clause (1)(e.0.4) may be limited in application to specified municipalities or delivery agents.

"Apportionment in designated areas

"(2.3) A regulation under clause (1)(e.4) may do one or more of the following:

"1. Authorize local municipalities in a designated area to determine by agreement how the costs, or a part of the

costs, of their delivery agent are to be apportioned among them.

"2. Provide for an arbitration process to determine how the costs of a delivery agent are to be apportioned among the local municipalities and territory without municipal organization included in the designated area for which the delivery agent is responsible.

"3. Set out the manner in which the costs of a delivery agent are to be apportioned among the local municipalities and territory without municipal organization included in a designated area and classify local municipalities for such purposes.

"4. If a designated area includes territory without municipal organization, provide for the amount, or the method of determining the amount, of the costs of the delivery agent that is to be paid by the residents of the territory, set out the manner in which those costs are to be apportioned among the residents (and for that purpose classify the residents or areas of the territory) and provide for the collection of the amount by the province, including collection under the Provincial Land Tax Act, and the payment of the amount collected to the delivery agent.

"5. Exempt a delivery agent or class of delivery agent or a person or class of person from section 6.9 or from a regulation made under clause (1)(e.4).

"Same

"(2.4) A regulation under paragraph 1 or 2 of subsection (2.1) or (2.3) may,

"(a) provide for the manner in which costs are to be apportioned and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration;

"(b) permit an agreement or the arbitration decision to apply to costs incurred and paid before the agreement or the arbitration decision is reached; and

"(c) provide for the reconciliation of amounts paid on an interim basis.

"Same

"(2.5) A regulation under paragraph 3 of subsection (2.1) or (2.3) may provide that it applies despite any agreement or arbitration decision or class of agreement or arbitration decision, or any provision thereof, referred to in paragraph 1 or 2 of subsection (2.1) or (2.3).

"Same

"(2.6) A regulation under subsection (2.1) or (2.3) may,

"(a) prescribe the time and manner in which apportioned amounts must be paid to an upper-tier municipality or a delivery agent, as the case may be;

"(b) require the payment of any penalty by any person or local municipality if payment is late;

"(c) require the payment of interest if payment is late and prescribe the interest or the method of determining the interest."

1410

Mr Gerretsen: I didn't quite get that section. Could you repeat that again, please?

Mr Hudak: I guess to summarize — it was a long motion — this outlines regulatory choices as to how both upper-tier municipalities and designated areas can apportion costs of land ambulance services, and the other highlight deals with conflict resolution mechanisms in case there is a conflict on that apportionment.

Mr Marchese: I have a couple, Mr Chair.

The Chair: I'm sure.

Mr Marchese: After listening to all of this, don't you think that what we have in place at the moment seems a lot simpler, and doesn't it appear to you, as a fairminded individual who has to be objective as the Chair in listening to all this, that this doesn't disentangle it very nicely, that this adds a whole lot of confusion to the whole thing? Listen to all this stuff. The poor listeners having to listen to this, "Authorize local municipalities in a designated area to determine by agreement how.... Provide for an arbitration process," and it goes on and on. Doesn't that tangle you up at the end of it? At the end of it, the poor people watching are saying, "My God, what are they doing?" I don't want to frustrate you.

The Chair: Oh no, you'd never do that.

Mr Marchese: No, and I'm glad. But it doesn't disentangle. I think it confuses. The provisions set out to deal with all these problems only complicate it even more. Those poor municipalities have now got to deal with little things like this in order to apportion costs of ambulance service from one area to the other. I tell you, I don't know what you guys are doing, and I think a large number of people out there probably agree with me that you guys don't know what you're doing.

The Chair: Mr Marchese, the motion is in order, although there may be a comment from someone.

Mr Marchese: Yes, tell me how they disentangle this whole process through this stuff, please.

Mr Hudak: Basically municipalities have the ability to negotiate among themselves how to apportion the costs within the municipality and to make agreements if ambulances go across municipalities. That's there and that's the first step.

What this allows is, if there is a dispute, in the interest of the taxpayers the minister can assist them in resolving that dispute.

Mr Marchese: Oh, that's so good. It clarifies it.

Mr Gerretsen: I think the interesting part is, first of all, how this can possibly be an amendment, an amendment that goes on for two entire pages. The other thing that I think the people ought to clearly understand is that each one of these subamendments talks how about a regulation may be put into place. In other words, this is once again an example of powers being given to the minister to set out rules and methods by which these matters are going to be resolved, into which the general public and the Legislature of Ontario won't have any input whatsoever, because everything that's done by way of regulation is done by just cabinet or ministerial fiat. I think the people understand that.

Mr Hastings is saying that's a good idea. I beg to differ. An awful lot of people in the province do not think

that's a good idea. Maybe that's another reason this kind of bill should have been given much closer attention and should have been studied to a much greater extent than it has been to bring these kinds of amendments forward that give unilateral power to the minister to, as Mr Hudak says, help the municipalities. I can tell you that municipalities know how to negotiate with one another and how to set out the sharing arrangements as well. What they resent is the fact that the government quite often comes in and unilaterally changes the rules and regulations that municipalities have been operating under and have been playing by, and that's exactly what this kind of section will allow it to do. This is just another example of total incompetence and haste in a matter that didn't have to be dealt with this quickly at all.

Mr Sergio: Just a comment that the entire bill is an exercise in downloading or transferring the responsibilities on to the local municipalities without transferring the accorded powers as well. We have seen that not only in this lengthy amendment, which I think completely changes the entire clause; what we have seen all along as we went through the various amendments here today is, "We want the municipalities to pay but not have a say."

For heaven's sake, the downloading has been clearly transferring to the local municipality the responsibility to provide those local services, and if that is the case, as it is, then why don't we let them conduct their business with their own upper-tier regional municipalities, regional councils, counties, local municipalities and stuff like that? Why go through all this exercise here? I have to agree with my colleague here that we are not disentangling; we are making it much messier. What is the message we are trying to send to the local municipalities?

It would have been better, as we said before, if you wanted to transfer the responsibility for the cost, how they are going to apportion that among themselves, I would say that we should give them credit that they are able to manage that among themselves.

One particular area that I want to bring to your attention, and that is not in here, is that when one operator, one provider is no longer being given the responsibility in the local municipality but is being retained to provide that service in another upper-tier municipality, the act does not address that, so it means that we are going to leave it up to the various municipalities how someone no longer is providing a service in one municipality but is providing one in another. In situations like that, I would say local municipalities will have to deal, and I'm quite assured in a way that local municipalities will be able to deal when they face situations like that without making the situation even more complicated.

I don't know who gave directions to provide all these amendments to the existing legislation, but I have to agree this is not the way to disentangle.

Interjection.

Mr Sergio: Yes. I wonder where the red tape commission —

Mr Gerretsen: They should take a look at this regulation.

Mr Sergio: Yes.

Mr Hastings: I just want to point out that our friend Mr Gerretsen can't read lips very well, because I never said that it was a good idea — no such thing. I said, if you were watching closely, that this is the conventional way —

Mr Gerretsen: I always watch your lips very closely.

Mr Hastings: You should, because then you'd give the right reading of what I was mentioning. It's the conventional way we're doing business in terms of how you set out the process in arbitration if a problem arises in the apportionment of the costs of land ambulances. There's nothing mysterious about it at all. In fact, when the red tape commission has undertaken to get rid of some red tape from previous regimes, you guys simply guffawed and held it up in the Legislature.

Mr Gerretsen: Mr Chair, on a point of order —

Mr Hastings: So let the record stand that you can't —

The Chair: Mr Hastings —

Mr Hastings: — anything with the red tape commission.

Mr Gerretsen: On a point of order: The opposition has repeatedly said, "Bring the red tape bills back to the Legislature and we will debate them piece by piece," and you can pass them whenever you want.

The Chair: That's not a point of order.

Mr Hastings: That's not a point of order.

Mr Gerretsen: He misstated it. You have given a complete misstatement.

The Chair: Mr Gerretsen, you'll have to wait your turn. Mr Hastings? Seems like that's it. Any further debate?

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Mr Hastings: Don't hold the red tape commission in such contempt, that's all.

Mr Hardeman: We've had considerable debate on this amendment, and it is a rather lengthy amendment, but I would point out in reference to the comments from across the room that the amendment does totally deal with how municipalities can jointly come to an agreement on how they're going to fund the ambulance service. There's nothing in this amendment, as I read it, that deals with the delivery of the service; only with the ability of them to get together and come to an agreement on how cross-boundary services should or could be paid for. I think it goes on to define how we can deal with the issues when two municipalities, or two or three municipalities, could not come to a mutual agreement. I don't see this as an entangling process; it is an amendment to deal with the ability of municipalities to agree to how the ambulance service would be paid for in an area.

Mr Gerretsen: Mr Hardeman always puts his point so gracefully and graciously to the members of the opposition. I wish I could believe him; I can't on this particular point, but at least he stated it clearly.

Mr Hastings made a comment about the fact that I held the red tape commission in contempt, and he's saying it again. I want it to be clearly on the record that we don't hold the red tape commission in contempt at all. We are

all in favour of cutting out needless red tape. It is your government House leaders who have held up the red tape bills from being discussed in the Legislature so that they could be passed. Repeatedly the opposition has said, "Bring them forward and we'll debate them and we'll deal with them at the appropriate time." It's your government House leader who has been holding up those bills, and I think the record should clearly indicate that.

Mr Hastings: It may indicate that, but that's not the reality.

Mr Gerretsen: Oh, it may indicate it, but it's not the reality?

The Chair: Gentlemen, Mr Marchese has the floor.

Mr Marchese: To bring it back to the amendment —

The Chair: Indeed.

Mr Marchese: — I just wanted to repeat that this is cumbersome, it's complicated. I understand that it clarifies what you would do if there's a disagreement. All I would point out is that it's very cumbersome for all those people; that their present system is a whole lot simpler, in the opinion of those who came in front of our committee. This is yet another problem they've got to deal with now, and it doesn't disentangle; it just makes it a little more cumbersome, that's all.

Mr Carroll: But it was well read, wasn't it?

Mr Marchese: Oh, you read it well.

The Chair: Have we finished? All those in favour of this motion? All those opposed? The motion is carried.

All those in favour of section 18, as amended? All those opposed? Carried.

We have a government motion on page 28 of the package.

Mr Carroll: I move that section 22.1 of the Ambulance Act, as set out in section 19 of schedule A to the bill, be amended by striking out the section number "22.1" and renumbering it as "22.0.1."

Mr Gerretsen: I'll go along with that. That sounds reasonable. We're not against everything.

The Chair: All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 19, as amended? All those opposed? Section 19, as amended, is carried.

All those in favour of sections 20 and 21? All those opposed? Sections 20 and 21 are carried.

Mr Marchese, I believe page 29 is your motion. I will tell you it is out of order, but you are quite free to debate section 22. If you have some comments, we'd be pleased to hear them.

Mr Marchese: I don't have it in front of me, sorry.

The Chair: It's a motion of the New Democratic Party.

Mr Marchese: I do have the amendment, but it's not in front of me.

Mr Gerretsen: It's, "I move that section 22...to the bill be struck out." That sounds reasonable to me.

The Chair: We're open for debate on section 22.

Mr Marchese: Okay, I move that, Mr Chair.

The Chair: You move what? It's out of order.

Mr Marchese: I'm moving it out of order. Okay, then there's nothing to read.

The Chair: Absolutely.

Mr Marchese: You've done a good job.

The Chair: Debate?

Mr Gerretsen: What section 22 is really all about — and let's just read it into the record: "This schedule comes into force on January 1, 1998." The real question is whether or not the municipalities on which you're downloading all of these responsibilities are ready to deal with these services as of January 1, 1998. That's when the schedule comes into existence; that's when the new rules and regulations come into existence as to how ambulance services are to be delivered in municipalities.

I think what has clearly been shown in the conduct of the government over the last number of months in dealing with downloading issues is that municipalities are not ready because you haven't told them what the impact is going to be for these kinds of services or what the financial impact is going to be. So I would urge everyone on the committee — even the fairminded people we have sitting on the government side, some fairminded — to vote against this and say to the government, "You may have your ideas as to how ambulance services ought to be delivered in this province, but we simply cannot go into a new system as of January 1, 1998."

Municipalities already have too many other things to think about, too many other downloading efforts and decisions to make. There's an awful lot of restructuring going on around the province. How can they, as of that day, take on this kind of responsibility as well when you in effect have been totally delinquent in not providing them with the right kind of information as to what the costs are going to be at the local level?

Do the right thing. Postpone it for a year so that the ambulance operators, the local municipalities, particularly those municipalities that are being restructured, can get their act together next year and go into this new system in a fair and open manner, especially in light of the fact that we are talking here about a crucial personal service that people require on the spur of the moment. We want to make darned sure that the ambulance service that's available throughout this province will be available as of January 1 under these new schemes so that we aren't going to have any tragedies as a result of municipalities not being ready for the restructuring process.

So do the right thing. Hold this up for a year. You're not talking about a service here where maybe it doesn't matter if it's ready on January 1 or January 2; we're talking here about a personal emergency service that people rely on and have come to rely on. There cannot be any glitches in that, because glitches may be dangerous to individuals and as a matter of fact may cost lives. So do the right thing and postpone it for at least a year.

Mr Carroll: I feel obliged to make some comment because Mr Gerretsen has created an impression that is totally without any basis in fact and must be corrected. As he and everybody else knows, on January 1, 1998, the funding for land ambulance services is being transferred to

municipalities as part of an exchange of services and funding. He also knows that the transfer of control of ambulance services and the requirement to provide them to the municipalities does not happen until the year 2000. So all of the fearmongering he has done about, "The system might fall apart, municipalities have too much to do and they can't handle it," municipalities do not have to handle it in January 1998; they have two years to prepare to handle it. I just needed to set the record straight on that.

Mr Sergio: That may be the case. However, I would have to agree with Mr Hastings, because I think he comes from a local council where, as he knows, it has been very prudent to do budgeting not in March for the current year but perhaps starting in October of the previous year to start budgeting for the following year. I think this is the important aspect when we deal with drafting a budget and where they're going to be saving the dollars so they don't have to come up with the tax increase and stuff like that.

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I think it was our own Mayor Mel Lastman who some six years ago initiated — perhaps the first mayor in Metro — preparing a budget a year before and not in May or March of the following year. The point is, how can you talk tax increase before a budget is even being prepared? I think this deals with that particular point. Sure, we may be looking at a municipality a couple of years down the road to assume full responsibility of providing the land services. But those municipalities have to do their planning. They have to do their budget on a yearly basis. Come January 1998, even in Metro here, sure we're going to have the usual bureaucrats that will be working on the various budgets and stuff like that, but what real input have the elected people had to provide, come up with an acceptable budget, looking at various services and a possible tax freeze or tax increases depending on the case in each municipality?

My colleague here makes sense, that we should give the local municipalities time to disentangle themselves, if you will, a bit more, to understand exactly the full impact of the downloading and then let them come up with their own budget, their own service accordingly. I think this has a real impact on what we are saying here and what we are doing here. Even as the parliamentary assistant says, wait until the year 2000 when the local municipality will be fully in control and deliver the services. What's the rush. Why don't we give the new councils throughout Ontario, larger and smaller municipalities, upper and lower tiers, an opportunity to see the effect they will have with one year under their belt and assess the impact of the downloading and see how best they can handle it?

In a way we are saying let's eliminate some of the duplications, and here we are amassing on top of the local municipalities all kinds of new responsibilities, duties. They don't have the proper staff, as we will see in some of the following amendments here, to cope. This would give them not only a say, which is important, but an opportunity to start to reorganize themselves and provide those services in a fashion that would be acceptable without increasing their budgets too much.

Mr Marchese: Just some general remarks on that issue, and on the whole matter, because we have a lot of concerns. A lot of people do too, and they should. Mr Carroll talks about this as an exchange of services. Well, this is an exchange of services that very few people wanted. The government decided to centralize education for one reason alone: to be able to control the public dollars as a way of reducing the amount of money that goes to our educational system. So they took control of education and they were originally to eliminate the entire portion of education out of property taxes. They probably realized it was a big task so they now are only taking out half of that, so it's \$2.5 billion.

So these poor Tories now, instead of raising that \$2.5 billion out of income tax, they've decided, "We can't do that. We've got to download," they argue, "an equal amount of services down to the municipalities." This download is not only going to be not neutral but it's going to cause, in my view, irreparable harm. What are they downloading? They're downloading housing, child care, welfare, public health, libraries completely, ambulance services — the whole thing. It isn't a responsible act by this government. They make it appear like they're transferring soft services to the municipalities as a way of saying it's just an equal exchange it's not a big deal. But it is a big deal. You folks are disrupting an entire system in order to gain control of the education dollars, in order to reduce the amount of dollars that go to education under the guise that there's so much waste in the system. I know, Mr Chair, you've heard this before. I'm not speaking to you, but rather to the public that may be watching this program. Some of them have not heard the entire picture of this entire issue.

This is not a nice exchange of services, first of all, and secondly, what you folks are doing is obligating municipalities to raise the money to pay for these services under a deadline, and a couple of years later take control of its administration down the line — being obligated to pay now however, to raise it out of property taxes and out of what tenants have to pay to pay for these services. We think the whole thing is wrong. That's why on different occasions we'll make these points, because whoever is listening needs to understand this is not an easy exchange of services and it's causing a whole lot of headaches to people who will have to raise the money and administer this enormous problem you have shifted down on to their shoulders.

You will know the anger during election time. You're probably feeling it now around many issues. I know many of you are feeling it now because many of you are not having meetings with teachers. I was in Kitchener yesterday and I understand a number of teachers have tried to get appointments with various MPPs in the area and their offices are locked up. The assistants to these people don't let them in. Now it may seem out of the way a little bit, yes, I understand.

The Chair: I'm letting you go on a little bit, but don't get into Bill 160 in this place.

Mr Marchese: Sure, but Bill 160, the education bill, is very much related to the centralization of tax dollars, forcing you guys to shift a whole lot of soft services down to the municipality. Now Jack is shaking his head, but I tell you a whole lot of people are shaking their heads about what the hell this government is doing, because not only have you folks gone too far too fast, but you're going in the wrong direction.

Mr Carroll: We're fixing your mess.

Mr Marchese: No, you are causing the most egregious of messes we have ever seen in this province. But that's okay. You can smile all you want. For me the smile is acceptable. Your smiles will have to be dealt with when you face the public, when you folks acquire the guts and the courage to defend what you're doing and not hide, as so many of you are, from public meetings where you should be going and being held accountable for your policies. If you're brave enough to defend them here, brave the crowds out there. Defend them with courage. Tell them, "Yes, we like what we're doing." But go out and defend them. Don't cower in fear in your offices or at Queen's Park as people try to meet with you in your constituencies.

Mr Gerretsen: A comment was made a bit earlier that I somehow was trying to inflame the situation. I would like Mr Carroll, as the parliamentary assistant, to explain to me how with the regulation that is to be passed, or the new authorization or regulation, which went on for two pages — basically it talks about how cost is shared between municipalities when a person is picked up in one municipality and delivered to another municipality. Nobody knows if it is going to be according to where the person resides or where the hospital is located as to how these costs are to be shared. I would like him to explain to me, or Mr Hudak to explain to me, how as of January 1, 1998, which is less than two months away, if you have a person who crosses a boundary line, how the ambulance is going to get paid and who's going to be paid for what, because presumably by January —

The Chair: I want to remind you, Mr Gerretsen, we're now on section 22. We voted on that section. If you can relate your remarks to section 22, that would be acceptable.

Mr Gerretsen: It does relate to section 22. It relates specifically to section 22. Section 22 states that this schedule comes into place on January 1, 1998. What I'm talking about is that by January 1, 1998, there will not be the financial arrangements negotiated between municipalities. Having had municipal elections on November 10, those councils don't officially take over until December 1. Nobody's going to tell me that in those cases where you're likely to have crossboundary services by ambulance services agreements are going to be in place on January 1, 1998. Where this is relevant, Mr Chair, is that if I were an ambulance worker, or an owner-operator, I'm not sure who is going to pay me for what service if I take a person from one jurisdiction to another jurisdiction, maybe. I know and I hope that most ambulances don't think about that, particularly in the initial instant, but maybe I would

be a little bit more reluctant to pick up a particular patient in a case where I don't know which municipality is going to pay me than if it's a situation where a person is simply picked up in one municipality and delivered to a hospital in the same municipality, when there can be no doubt as to who is going to compensate me for it.

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It doesn't matter who ultimately pays, whether it's the local municipality or the province, as far as the ambulance operator is concerned, but it's sure going to make a difference to him when he doesn't know who's going to pay him as between two competing municipalities.

I would like somebody to explain to me how that is all going to be resolved by January 1, 1998. Are these cost arrangements between municipalities going to be in place by that time? You're the people who have made provision for that by just voting for that particular amendment that went on for two pages.

Mr Marchese: Subsection 18 should take care of it.

Mr Carroll: Just a quick comment on that, Mr Chairman. As you stated, we have dealt with that section and debated that section. We are now dealing with the commencement date on the bill and we've explained our position on the commencement date of January 1, 1998.

Mr Gerretsen: That is ridiculous. In other words, Mr Chair, just so I understand, nobody's here has an answer as to who exactly is going to pay as of January 1, 1998. For Mr Carroll to say that we've dealt with that section and somehow it's no longer a concern as to what arrangements there exist between municipalities is absolute nonsense. If I were an ambulance operator, I would want to know who pays me when I take somebody across a boundary line.

The Chair: All those in favour of section 22? All those opposed? Section 22 is carried.

That appears to conclude schedule A. All those in favour of schedule A, as amended?

Mr Gerretsen: I would like it to be a recorded vote.

Ayes

Carroll, Hardeman, Hastings, Hudak.

Nays

Gerretsen, Marchese, Sergio.

The Chair: Schedule A, as amended, is now carried. We are on to schedule B.

Mr Carroll: Mr Hardeman will be available with his staff to answer any questions.

Mr Gerretsen: I'd think about that twice, Ernie. Don't take that chair.

The Chair: All right. If we're all settled, I will ask, unless there is objection, all those in favour of sections through to and including section 16 of schedule B?

Mr Gerretsen: I don't have an objection to that. I do have some comments with respect to section 3, so if you want to deal with the others all together, I'd like to make some comments on section 3.

The Chair: All those in favour of sections 1 and 2 of schedule B? All those opposed? Sections 1 and 2 are carried.

We are now on to section 3, Mr Gerretsen, and the floor is yours.

Mr Gerretsen: In just reading section 3.1 and dealing with the responsibilities of the boards of health and sewage system inspectors and things like that, I would just like to know from the parliamentary assistant, or from anyone else here who has that information, what cost implications there are as a result of this section being passed to the boards of health. Has there been any communication at all with the different boards of health as to whether or not they've got the human resources to in effect carry out the additional responsibilities that are called for in 3.1? What does it mean? Do we have any idea as to what it means to the average board of health from a financial viewpoint?

The Chair: Mr Hardeman and/or his assistants? I trust when eventually someone other than yourself speaks, Mr Hardeman, you will introduce that person to us.

Mr Hardeman: I'm not sure there is a number on the financial impact on all boards of health. I would point out that the section mainly relates to the areas where the boards of health are presently doing it on behalf of the Ministry of Environment and Energy. The responsibility will be referred or turned over to the boards of health in those cases and funded through the board of health budget, as opposed to the provincial, and it is anticipated that the cost of doing that can be recovered from the fee for doing it. They do not look at this as a major financial impact. The cost of the sewage facility inspection could be recovered through a licence or permit fee, similar to the building inspection function.

The Chair: That's it? All those in favour of section 3? All those opposed? Section 3 is carried.

All those in favour of sections 4 through to and including section 16? All those opposed? Sections 4 through to and including section 16 are now carried.

We are on to page 30 of the package of amendments, which is a government motion.

Mr Carroll: I move that subsection 17(3) of schedule B to the bill be struck out and the following substituted:

"(3) Paragraph 19 of subsection 34(1) of the act is repealed and the following substituted:

"19. exempting any building or person or class thereof from compliance with all or any part of this act and the regulations and prescribing conditions for the exemption."

Mr Hardeman: This is an amendment to provide for the phasing-in of the training, and the committee will be aware that there were a number of deputants who came forward who said that all the people may not be able to be trained by the proposed time. This would exempt that and allow the phasing-in of the training program for those inspectors.

Mr Sergio: I am pleased that the parliamentary assistant has addressed that because this was one of the major concerns which was expressed to us by ASPHIO in Lon-

don, that not only will they find it impossible to provide well-trained, qualified inspectors and assessors in those municipalities where they don't have any now and the inspections are done by the provincial inspectors — and I think it's paramount that those municipalities are indeed given the time to provide themselves with the employees and the expertise and training to assure their own local populace that indeed water treatments and whatever are done in such a way that is not only efficient but acceptable for the health of their constituents. This was expressed at quite some length in their presentation here.

With respect to the cost, there is no provision at all to recoup the cost from the local municipality. This is another part where the municipality has to absorb the cost for hiring and retraining. Here again, we have to go to a user fee or a copayment of some sort. Failing that, either you provide that essential service, especially when it comes to inspection of septic tanks and stuff like that — and I don't have to tell you how important that is in small municipalities where they lack sewer services. They will have to resort to either providing those services, providing the high quality that is expected from a trained individual, or raise taxes, or cut somewhere else. It boils down to that and unfortunately this is another bad side of the effects of the downloading.

Mr Marchese: I was trying to find the appropriate place to deal with the comments I'm about to quote from one of the deputants, the Association of Supervisors of Public Health Inspectors of Ontario. I just wanted to put that on the record. It relates to the whole thing, really, but I might as well just do this at the outset. I agree wholeheartedly with this presentation. I don't believe that the government, in the hearings, has listened to anybody really. Many of these amendments are minor or technical, but in terms of substantive stuff that we heard from the deputants, you really didn't listen. I wanted to read one of the parts of the submission made by this group.

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"The one-window approach for building and private sewage disposal approvals may be more convenient for consumers, but it will result in environmental degradation. In previous submissions to the government, we have outlined many reasons for this conclusion, perhaps the most important of which is the need to have environmental and public health programs provided by an autonomous agency which is somewhat more insulated from local development and political pressure.

"There are countless examples throughout the province where local influence has resulted in building approvals being issued without due regard for adequate sewage servicing and public health and environmental protection.

"Furthermore, the current number of 40 or so delivery agencies allows for more consistent and uniform application of province-wide standards compared to downloading the program to several hundred municipal building departments with little or no experience."

I'm not convinced that whatever training might be going on, the shift of public health and the shift away from worrying about the environment can easily be dealt with

or solved by transferring those responsibilities on to the building code. The shift of the building code versus the protections that were given to these areas under the Minister of the Environment is completely different and I, along with this organization and countless others that deputed, worry about the effects of what you folks are doing with this.

You seem to be making it simpler and you may make it more convenient for some people, but you have shifted due regard for environmental concerns and health concerns by downloading and transferring this responsibility to the building code. I may from time to time raise this again, but I thought I would raise it at the outset because it applies to many of the amendments we're about to deal with.

Mr Hardeman: I just want to clarify the point that was brought up earlier on user fees and the issue of the cost to the boards of health. I would just point out that a great number, if not all, of the boards of health which are presently providing the services do presently have a permit fee to charge for that service and recover a lot of their cost through that system. It's not an add-on; it's just a user fee that would go to a different level of government.

Mr Sergio: Just for clarification, I believe that all the inspections at the moment are done by provincial inspectors, not by municipal inspectors.

Mr Hardeman: In most cases I think, referring to the boards of health, those inspectors presently work for the boards of health, and then on the sewage inspections they work under contract with the Ministry of the Environment. They set their permit fees to recoup some of the cost, and then the difference between the permit fees and the actual expenditure of that division of the board of health is paid for through the Ministry of the Environment. But they do work on somewhat of a cost recovery system on the inspections.

Mr Sergio: I note staff wants to comment. Mr Gregson was shaking his head.

The Chair: Mr Sergio, perhaps you could speak up, and also through the Chair, please.

Mr Sergio: I'm sorry.

Mr Marchese: If there is a staff comment by way of clarification, we'd appreciate it.

Mr Sergio: Yes, if we can have a comment from staff.

The Chair: Sure.

Mr Sergio: I believe he's shaking his head a little bit over there.

Mr William Gregson: My name is William Gregson. I'm with the approvals branch at the Ministry of the Environment and we oversee the current program. Indeed, as it was described is how the current program operates, that health units do charge a fee for approvals. There may be some adjustment of fees necessary, but there is a fee already.

Mr Sergio: What about for inspections?

Mr Gregson: Inspections, as a part of the approvals process, that is what the fee is for.

Mr Sergio: What about the training for inspectors in the new municipality?

Mr Gregson: Under the new procedure?

Mr Sergio: Yes.

Mr Gregson: I defer that to my other colleague.

Mr Brian Kozman: My name is Brian Kozman. I'm with the Ministry of Municipal Affairs and Housing. As is currently the case under the Environmental Protection Act, there is no certification program, if you will, formally.

Mr Sergio: Indeed.

Mr Kozman: This certification requirement and the qualifications that we're setting up are going to be new and are going to be under the Building Code Act. That's not to say, though, that individuals who are currently doing inspections and approvals for health units don't go through training through, for example, Ryerson college or the University of Guelph or through some of their professional associations, ASPHIO and CIPHI being two of those bodies.

Mr Marchese: Just briefly, Mr Chair —

Mr Sergio: I wasn't finished. I'm sorry.

The Chair: Sure, please.

Mr Sergio: I can appreciate that explanation, because this was one of the concerns expressed by ASPHIO, that now local municipalities not only don't have the direction, they don't have the money to provide the training and there's no organization that provides certification of those assessors and inspectors. Their concern was, where are those municipalities going to end up? From the time the service is being severed by the province, they will have to assume their own responsibility. Who is going to do what and when? The local municipalities are going to be left to fend for themselves without certified inspectors, and the concern that ASPHIO was telling us at the committee level is that the level of service is going to be less than what they are getting now.

Mr Hastings: My recall is quite the reverse from the Ontario Building Officials Association that was in here about two and a half weeks ago. There were about four of them who sat in front of us. On the whole issue of training there were a lot of questions raised as to how far along they were to be able to accept this responsibility; what were some of the issues of timing; would they be able to get the program up and going; and how would they cover the province?

I distinctly remember talking to the executive director of that organization outside this committee room, and we went into some detail. One of the ways they would be doing it is through videotaping for northern Ontario. They could use distance learning through the new organization in northern Ontario that was spun off from the Ministry of Education and Training. I don't know where members are when they say there is no way in which the issue can be handled. It's going to be difficult, granted, and they may not, as Mr Hardeman pointed out, have everybody trained by March 1998, but the whole issue of training was brought up and thoroughly thrashed out in front of this committee by that particular association.

As far as ASPHIO is concerned, they're good at making remarks about the degradation of the environment and that there won't be suitably trained people for sewage inspection and that the boards of health will be incapable

of carrying it out etc. I think a large number of those boards of health already are carrying out the responsibility. Where those municipalities do not have boards of health or adequately trained people for that specific function, I think that neighbouring boards of health and the organizations that are involved in the training issues can come through.

I think we're raising some rather questionable issues here to say there's no way in which training can be issued, that there aren't organizations available to carry it out up to the level of training that existing people have in this field. In my estimation, it can be done. Maybe the timing will take a little longer than what is required by the act, but there are ways in which it can be carried out, and there were organizations in here that dealt with the issue. To say there can't be adequate training carried out, that there aren't any moneys available, is completely uncalled for.

Mr Gerretsen: It's true, isn't it?

The Chair: Mr Marchese is first.

Mr Marchese: I have just a few quick points. I'm not speaking to the members here. I always try to speak to the public because they're the ones who have to make up their minds about these things.

First, I'm not sure what the fees are at the moment, but the fees are likely to go up once they're in the control of the municipalities, for a variety of reasons. They won't have the money, so they'll have to jack up the prices. It's inevitable.

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Second, at the present moment I believe that inspections done by provincial folks are more removed from influence than they will be in the future, meaning they will be subject to being influenced by developers and other types in communities who want to get things done. I worry and the public should worry about that. That's my second point.

The third point is that the shift away from having a focus that is inherently connected to the environment means that their concern is attached to how to protect the environment. You shift that to the building code, and the building code stuff is completely different. Their focus, their attention is completely different from those that are connected to the Ministry of the Environment. It doesn't matter to me that you think differently, because we obviously disagree. You folks want to facilitate building for your buddies. That's okay; I understand that. I worry about the general public. I worry about the public interest.

I believe you're shifting the focus away from the public interest on the environment into a building code situation where, yes, it might make it easier and faster and convenient for some people, but I worry about what is going to happen as a result of that. I leave that to the public to decide. We make our arguments, you make yours. In the end, they'll have to judge us and you.

Mr Sergio: It's worth quoting from the ASPHIO, which is the Association of Supervisors of Public Health Inspectors of Ontario. This was incorporated in 1982. These are some of things that they told us at the committee level. It's on page 2 of their own presentation. I think it's

worth quoting because they are addressing the heart of the matter here:

"Many health departments utilize highly skilled management staff to supervise the inspectors. These skills, accumulated through education and experience, will be replaced by inspectors with significantly lesser qualifications and limited or no experience. As of March 1, 1998, this accountability will be lacking or non-existent as the accumulated experience of over 23 years will be lost while local building officials, who are not in a position to acquire the expertise, will be held liable for program delivery.

"ASPHIO maintains that effective supervision of the design and installation of sewage disposal systems is fundamental for the protection of public health and the environment. At present, most municipal officials responsible to perform activities under the authority of the building code do not have training in hydrogeology, soils, public health, chemistry or biology and how these disciplines relate to sewage composition and sewage treatment."

This is the fact of the matter; it is not who, what and when. Building inspectors do not provide that service whatsoever. As more municipalities are left alone, charged now with the responsibility of providing this most important and vital service to the community, how are they going to provide that? They don't know. This is the concern that ASPHIO is telling us.

Mr Hastings: Can I ask a couple of questions here?

The Chair: Sure, as long as it's on point.

Mr Hastings: What is the existing fee, the average cost, for septic tank inspection at the moment by a board of health?

Mr Gregson: I don't have the figure with me here in terms of the average cost. I'd be reluctant to guess.

Mr Hastings: Have you got a range, a ballpark?

Mr Gregson: It widely varies across the province.

Mr Hastings: Is it \$75 or \$100 and up?

Mr Gregson: Average fee would be approximately \$150, I would think.

Mr Hastings: What kind of experience and what kind of training do these people have who carry out that particular function?

Mr Gregson: Primarily, it's agreements through health units that we've entered into. It would be health unit inspectors with the background that they have as health unit inspectors.

Mr Hastings: What would be their specific training that they would have had over the years to become public health inspectors dealing with this function — a certificate in public health administration?

Mr Gregson: There is no formal credential requirement now, as I understand it, in the context of delivering our program. I can't speak to other programs that the health unit administers.

Mr Hastings: When the Ontario Building Officials Association was here — they're going to become responsible for this specific function, are they not?

Mr Gregson: Yes.

Mr Hastings: In their presentation, they laid out their concerns about training, the timing and some of the implementation issues of how they will get their folks up to speed on that specific function. I don't know whether you have seen the presentation, but they raised those issues and some minor related concerns. They delivered the message to this committee that in time, certainly by the middle of next year at the latest, most of their people will have some minimal, and probably a lot more than minimal, levels of education and training in this particular function, which is not certified or organized along a more coherent education line than you have alluded to. Your comment, sir.

Mr Gregson: The proposed new bill will provide a formal certification process for inspectors. That has not been in existence up until the effective date of the bill.

Mr Hastings: What is their background in terms of training in the building code orientation? What kind of courses do they have to take to become building code examiners or — yes, "examiners" is the appropriate term.

Mr Gregson: I'd have to defer that again, sir.

Mr Jeff Levitt: My name is Jeff Levitt; I'm a lawyer with the legal branch of the Ministry of Municipal Affairs and Housing. As far as the building officials are concerned, currently there is no requirement under the Building Code Act or Ontario building code that there be formal qualifications that have to be met. The Ontario Building Officials Association, which was incorporated by statute several years ago, has developed its own course for its members and very many members have passed through that. They have a designation called "certified building code official" that their organization administers. That is something related to their organization, but not currently under the Building Code Act. What is new in this bill will be the requirement to have qualifications under the Building Code Act for inspectors.

Mr Hastings: That organization will become the delivery agent for this particular certified program?

Mr Kozman: I'll try to take a crack at that. We're in the process right now of determining who, if anyone, will be our partners on the delivery of the training. We're in the process of developing the curriculum right now, the examination questions that will be associated with the certification program. OBOA has reached out to us and said, "We want to be part of that." We're very much looking forward to talking with them and others about getting that certification and training program up and running.

Mr Hastings: My final question would be: Are there similar or related courses that the Ontario Building Officials Association have in that particular self-managed program that are related to courses that public health inspectors take on the septic tank inspection function?

Mr Kozman: Not under the courses that they offer as part of their association certification program, but that doesn't mean that building officials may, in the course of their professional career development, not have gone and taken courses at an institution like Guelph or Ryerson, which do offer courses on environmental sciences and that

sort of thing. Some of them may have that background, but certainly not all of them will.

Mr Hastings: And one of the specific references would be a course in soils and the composition of those soils, which would show a linkage of the two.

Mr Kozman: Those courses are offered. I can't tell you right here and now that 75% of building officials have gone to take those courses, but some of them may have in the course of their own professional career development.

Mr Hastings: I just ask those questions to lay out that there is a foundation or common thread, I think, between the two that is not dissimilar.

The Chair: Are there further questions or comments?

Mr Sergio: Yes, just one more, the question of how much came out. I'm just quoting from AMO. We're all familiar with AMO and its work, and this is what they have to say just with respect to one municipality:

"The costs of the records transfer will be significant and were not accounted for as part of the Who Does What transfers. Therefore, these costs should not be passed on to property taxpayers. As an example, the district of Muskoka estimates that 20,000 files will need to be indexed" — just indexing those files — "at a cost of approximately \$75,000," let alone the inspections and training of those officials afterwards. The concern is well expressed by everyone who has made a presentation. Unfortunately, the government is not taking that into consideration with the bill.

Mr Marchese: I just want to repeat the point again, because it's useful. Training is a good thing. I think everybody will be happy that training is going to happen. We are worried about the shift of focus. No one speaks to that. The civil servants really can't speak to this, it's not their job, and the politicians of course avoid this particular question that I'm raising. The autonomous inspection done by the province leaves them to be less corruptible by those who otherwise might be corruptible at the public level.

There is going to be much more political interference and involvement and influence at the local level, Mr Carroll. You probably agree with that. You're not speaking to it, Mr Hardeman isn't speaking to it, no one is speaking to it. That's why I'm raising it over and over again. Yes, building inspectors might get training that will permit them to have a better understanding to deal with these issues that they have no clue about at the moment. That's a good thing. But I worry about the issue I've raised. None of you guys are talking about it, but it will be a problem.

The Chair: We'll call the vote on the government motion. All those in favour of this motion? All those opposed? The motion is carried.

Mr Carroll: Mr Chairman, it is quarter after three and some of us, being a little older than others —

The Chair: Speak for yourself.

Mr Carroll: — have different requirements. Is there any possibility that we could have a 10-minute recess, since we're not in a position for any of us to leave?

Mr Gerretsen: Do you guys need to caucus again? Is that it?

The Chair: Mr Carroll is requesting a 10-minute recess. We will grant that recess for 10 minutes.

The committee recessed from 1514 to 1528.

The Chair: Ladies and gentlemen, we have finished page 30 of the package and we are now on to page 31.

Mr Carroll: I move that subsection 34(1) of the Building Code Act, 1992, as amended by subsection 17(4) of schedule B to the bill, be further amended by adding the following paragraph:

"35.1 designating persons and specifying powers of a chief building official or inspector that those designated persons may exercise to enforce this act and the building code in relation to the qualifications of inspectors and of persons described in section 18.1 and establishing conditions for the exercise of those powers."

Mr Hardeman: This amendment is required in order to be able, through the ministry or a designated person, to enforce the regulations and the training programs that are being proposed in the legislation. This will provide the minister with the ability to appoint someone to enforce those regulations. That's the intent of the motion.

The Chair: All those in favour of this motion? All those opposed? The motion is carried.

On to page 32, a government motion.

Mr Carroll: I move that subsection 34(1) of the Building Code Act, 1992, as amended by subsection 17(4) of schedule B to the bill, be further amended by adding the following paragraphs:

"36.1 permitting the Building Code Commission to sit in one or more divisions simultaneously upon such conditions as may be prescribed in the regulation;

"36.2 authorizing one member of the Building Code Commission, with the approval of the chair or vice-chair, to hear and determine any matter and deeming the member to constitute the commission for that purpose, under such conditions as may be prescribed in the regulation."

Mr Hardeman: The intent of the amendment is to allow the commission to appoint an individual to hear an appeal. As is presently allowed under the Environmental Protection Act for the septic inspection appeals, one person can hear it. We propose that this should be continued to be allowed as it moves over to the Building Code Act.

The Chair: Debate?

Mr Marchese: To communicate to Mr Carroll my on-going concerns around this, this is intended to save money, obviously. Instead of three people, you have one doing that job. As you shift those concerns that I spoke about earlier about the focus being different, that when you have these inspectors in the environment, it gives it a totally different concern and focus versus now the building code. When you shift all of this down here at this level and you now only require one of these people to do the job, I worry as much, if not more, about that. I know you're trying to save money and this will do it, but I wanted to put that on the record.

The Chair: All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 17, as amended? Those opposed? Section 17, as amended, is carried.

All those in favour of sections 18, 19 and 20? Opposed? Sections 18, 19 and 20 are carried.

We're on page 33 of the package.

Mr Carroll: Before I begin this, there is some French in this and I apologize in advance for what will not be very good pronunciation.

I move that subsection 28(5) of the Environmental Protection Act, as set out in section 21 of schedule B to the bill, be amended by,

(a) striking out "or deliver them to the director; and" at the end of clause (a) and substituting "or as otherwise prescribed under subsection (7)";

(b) striking out "ou une copie certifiée conforme de ce dossier selon ce que précise le directeur" at the end of the French version of clause (b) and substituting "qui est précisé dans la demande ou une copie certifiée conforme de ce dossier"; and

(c) by adding the following clauses:

"(c) on the written request of the director, deliver to the director a certificate as to the service of any document relating to part VIII as specified in the request;

"(d) on the written request of the director, deliver to the director a certificate as to the custody of any document relating to part VIII as specified in the request; and

"(e) on the written request of the director, deliver to the director a certificate as to whether or not any document relating to part VIII as specified in the request was received or issued."

Mr Hardeman: This is to deal with the movement of records from the Ministry of the Environment and the authority for the Building Code Act. This will facilitate the moving of those records from one to the other as the function is being moved.

The Chair: All those in favour of this motion?

Mr Marchese: No. You didn't ask for any debate on this.

The Chair: Mr Marchese, if you wish debate, please put up your hand or indicate so to me, and I will welcome you.

Mr Marchese: I'll be faster next time.

The Chair: Indeed.

Mr Marchese: I'm not sure it's as simple as he says. He seems to make it appear like this is just facilitating some transfer of records from one to the other.

It says, "Striking out 'or deliver them to the director; and'... 'or as otherwise prescribed....'" My sense of what I read here is that the director will have less supervision than before, that fewer records will go into his hands directly, not just in terms of control but in terms of directly supervising and looking at what's before him. This seems to me to be a problem. Maybe it's minor, I'm not sure, but it can't easily be dismissed. I see it as the director having less of an overview over the problems. That's what it seems to facilitate more than anything else. Do I have it wrong?

Mr Gerretsen: I doubt it.

Mr Marchese: Ask him.

The Chair: No, you ask him.

Mr Marchese: Through you, Chair, because we always speak to you, right?

Mr Hardeman: To clarify it, obviously we all recognize that the part of the act that's being referred to the Building Code Act will be generating certain records that relate to the environmental part of the building code. This will allow the director to request and receive all that information to be able to transfer records from one function to another at the request of the director; to deal with Mr Marchese's concern, to make sure that the director is made aware or could be made aware of any discrepancies that may or may not be there. This also allows the copying of records in that when the records are moved from one function to another, or from one level of government to another, we would be able to create two records. A true copy would be sufficient; it would be the same as the original document. So they could be utilized in two places.

Mr Marchese: Maybe I read it wrong, but it says, "On the written request of the director, deliver to the director a certificate...." So when he wants something, he's going to get it. That's what it says. "On the written request of the director, deliver to the director a certificate as to the custody of any document...." So whatever he has requested, he gets it, as opposed to automatically passing this documentation, whatever that is, to the director, and then presumably that person decides what he or she might need. As I see it, somebody holds on to those records and the director will only get it when he or she asks for it. That's the way I read it. Is that the way you understand it too? I'm saying this appears to me to have, therefore, less supervision involved by the director of that documentation, whatever it is, less oversight, except and unless there is a problem and the director requests such a document. You don't see that as a problem?

Mr Hardeman: In fairness, and we'll ask staff to comment, as the function of inspection of weeping and sewage systems is turned over to the municipalities under the Building Code Act, the record of doing that will become a municipal record, and that part which still would be done under the director, they would have those records. This provides the opportunity for the director to request copies of all the inspections and the functions that are being carried on under the Building Code Act to make sure that they've all met the requirements under the act. With that, I would ask the ministry. Maybe they have further comments to enlighten you, Mr Marchese.

Mr Marchese: That would be good.

Mr Leo FitzPatrick: My name is Leo FitzPatrick. I'm with the legal services branch, Ministry of the Environment. The motion will indeed allow the director to pick and choose which records he wants to request. As written, the provision about "deliver to the director" was an option that was under the control of the board of health that had the records in their hands, not something that was available to the director. This will take away the option from the board of health. They will simply have to maintain the records until either the director asks for a specific one or asks for all of them, or regulations could be made in ac-

cordance with a later subsection to prescribe exactly what is to be done with the records.

1540

Mr Marchese: I understood that.

The Chair: Okay. Further questions or debate? All those in favour of this motion? All those opposed? This motion is carried.

We are now on to page 34, which is a government motion.

Mr Carroll: I move that section 28 of the Environmental Protection Act, as set out in section 21 of schedule B to the bill, be amended by adding the following subsections:

“Deemed official document

“(5.1) A record, certified copy of a record or a certificate delivered under clause (5)(b) or (c) that is or relates to an approval, certificate, consent, licence, notice, permit, order or return under part VIII shall be deemed to be an official document signed by an employee in the ministry for the purpose of section 175.

“Same

“(5.2) A certificate delivered under clause (5)(d) or (e) shall be deemed to be an official document signed by an employee in the ministry for the purpose of section 175.”

Mr Hardeman: I think I was slightly ahead of my description on the last motion. This actually deals with the certification of a true copy or a document other than the original, to deal with the issues of the Environmental Protection Act.

Mr Sergio: Just for clarification, Mr Carroll, in the last line of (5.1) where it says, “an official document signed by an employee in the ministry,” would that be an authorized employee or any ministry employees?

Mr Hardeman: I’ll turn that over to the ministry.

Mr FitzPatrick: The wording is put in here so that it matches exactly what is at present in section 175 of the Environmental Protection Act. The status of an official document is a normal business function for records in the hands of the ministry. We’re giving that same status to part VIII records in the hands of a board of health or someone else who has administered this program for us.

Mr Sergio: Okay, so it is no one specifically. It can be any employee of the ministry, and not any particular authorized person?

Mr FitzPatrick: That’s correct. The certification would be done by the board of health or whoever has the records under their control. This gives them special legal status under the Environmental Protection Act.

Mr Sergio: So, if that is the case, then would you say it clarifies it or makes it the way it should be to insert in there “by an authorized employee,” instead of leaving it as any employee?

Mr FitzPatrick: It’s not necessary to do that. It would in fact be the board of health that certifies the document because it’s in their control. This section gives it the same status as if it were a ministry document, and the words here have to match exactly the words that are in section 175 of the EPA at the moment.

Mr Sergio: Even though 175 may be wrong? In order to maintain the uniformity, you might as well leave it as is?

Mr FitzPatrick: Exactly correct.

Mr Sergio: Thank you.

Mr Carroll: Two wrongs make a right.

Mr Sergio: Two wrongs make a right. So 175 is wrong, so let’s keep on going.

The Chair: Are we going to have any further debate?

Mr Sergio: No, by all means.

The Chair: You are finished, Mr Sergio?

Mr Sergio: Absolutely.

The Chair: All those in favour of this motion? All those opposed? This motion is carried.

All those in favour of section 21, as amended? All those opposed? Section 21, as amended, is carried.

All those in favour of section 22 and 23? All those opposed? Sections 22 and 23 are now carried.

We are on to page 35, which is a government motion.

Mr Carroll: I move that clause 53(6.1)(b) of the Ontario Water Resources Act, as set out in subsection 24(2) of schedule B to the bill, be struck out and the following substituted:

“(b) more than one sewage works is located on a lot or parcel of land and they have , in total, a design capacity in excess of 10,000 litres per day.”

Mr Hardeman: The intent of course is the bill changes everything that is less than 10,000 litres to day over to the Building Code Act. When a sewage system is over 10,000 litres a day it stays with the Environmental Protection Act. It was considered appropriate that if there were a number of sewage facilities on a single lot or a single parcel of land that collectively went over the 10,000, it should stay with the larger approvals approach as opposed to the single units, so we’re recommending that’s what would happen. So if the cumulative effect of a number of sewage systems on one lot would deem it to be a larger unit then it would have to stay with the Environmental Protection Act.

Mr Gerretsen: Could somebody from the ministry indicate to me what the average capacity on a daily basis is for a private residence? I’ve got a comment after that.

Mr Gregson: Approximately 2,000 litres per day, roughly.

Mr Gerretsen: The way it’s currently written, as proposed, if the excess was over 10,000 litres per day, you would still be limited to the one residence. But what’s being suggested here is that it could in effect apply to five residences on a development, this new section that you want us to pass.

Mr Hardeman: I think prior to the amendment, the way the bill would be written is that any single family resident, a single unit owned by a property owner, provided that it had capacity of less than 10,000 litres, would revert to the Building Code Act. The suggestion here is if you had a parcel of land where you were going to put a number of different units on that piece of property without having it severed — this would not apply to a plan of subdivision because you have a number of separate laws,

but if you had a single parcel of land where you were going to build a number of units then you would have the accumulative effect of a larger communal system, which of course stays with the Environmental Protection Act under the bill. This is to make sure that where you have the accumulated effect of a number of units, if the capacity jointly of all the units on that piece of property is over 10,000 litres a day, they would have to have the approval through the Ministry of Environment, through the Environmental Protection Act.

Mr Gerretsen: But before the amendment, as you're proposing it now, if there were, let's say, two private residences on that particular piece of property that had a 10,000-litre capacity, you in effect had to go under the Environmental Protection Act. Now with the amendment, as long as the total capacity is not more than 10,000 litres per day, you in effect could have up to let's say five residences without having to go through environmental protection.

Mr Hardeman: No, I think the way the act prior to the amendment would be written, each individual system on that piece of property, provided each one was under 10,000 litres a day, would go under the Building Code Act, even if there were five, six, eight or 10 all on this one parcel of land. What this amendment is doing is saying if you have an accumulated disposal system of over 10,000 litres a day on the total parcel of land, regardless of how many units there are, it stays with the Environmental Protection Act and under the auspices of the Ministry of Environment and Energy.

Mr Gerretsen: So the amendment is a weakening of the current conditions.

Mr Hardeman: No, the amendment is a strengthening. Well, I guess I'd want to correct that. It's a question of whether turning over or reverting some of the inspection to the municipal government is a weakening of the system, which I don't believe, but this here will leave more systems with the Ministry of the Environment as opposed to local approval.

Mr Sergio: Just one question. Does the act force the owners or the developer or builder to have one communal system if the system were to be over 10,000 litres per day? Does the act force them to have one communal service, or can they go individually?

1550

Mr Hardeman: I don't know. I don't think this part of the act at least deals with which alternative they use. I would point out that if it was the one communal system, that stays with the Ministry of the Environment under the Environmental Protection Act. This amendment is saying that if you are going to have five or six separate units and produce the capacity of a communal system, it also will stay with the Ministry of the Environment and will be monitored under the Environmental Protection Act.

Mr Sergio: I understand that. A further question: Regardless of where it stays, Ministry of the Environment or whatever, I'm trying to get to the point that if there is a problem — and in small municipalities it's very difficult to get inspections on a regular basis or on a timely basis

— if you have a communal system and that system fails, everyone is affected in that particular system. I'm saying that regardless of where it sits, under what ministry, if you will, does the act force those people to belong to that particular communal portion, or can they have their own individual system, even though altogether they would be over the 10,000 litres per day?

Mr FitzPatrick: The difference in approach is simply that with the number of different sewage systems on the one lot, we would presume that there's common ownership of all of the systems. We would not force them to design what they want to do in any particular way. But each application that comes in to us for the approval of a sewage works under the Ontario Water Resources Act would be dealt with in context. We would look at the affect that the other systems already on the lot have on the new proposal or the affect that the new proposal will have on the other systems that are on the lot now.

The building code provisions are not varied enough that they can take into consideration those different impacts from one system to another. The ministry can evaluate that as if it were a communal sewage works and give or refuse or put conditions on the approval that are appropriate to the circumstances.

Mr Sergio: The act leaves enough flexibility to assess each individual application.

Mr FitzPatrick: In context.

The Chair: Further debate? All those in favour of this motion? All those opposed? This motion is carried.

All those in favour of section 24, as amended? All those opposed? Section 24, as amended, is carried.

We're on to page 36.

Mr Carroll: I move that subsection 53.1(7) of the Ontario Water Resources Act, as set out in section 25 of schedule B to the bill, be amended by,

(a) striking out "or deliver them to the Director; and". at the end of clause (a) and substituting "or as otherwise prescribed under subsection (9),"

(b) striking out "ou une copie certifiée conforme de ce dossier selon ce que précise le directeur" at the end of the French version of clause (b) and substituting "qui est précisé dans la demande ou une copie certifiée conforme de ce dossier," and

(c) adding the following clauses:

"(c) on the written request of the director, deliver to the director a certificate as to the service of any document relating to part VIII as specified in the request,

"(d) on the written request of the director, deliver to the director a certificate as to the custody of any document relating to part VIII as specified in the request; and

"(e) on the written request of the director, deliver to the director a certificate as to whether or not any document relating to part VIII as specified in the request was received or issued."

Mr Hardeman: This is the same issue as the previous amendment about two amendments ago where it dealt with the transfer of records under the Environmental Protection Act. This is under the Ontario Water Resources Act, which deals with same issue.

Mr Gerretsen: I'm just curious as to why in these last two particular cases we deal with the French version. Do I take it that the current French versions already have the amendments in them and we're not really dealing with the same bill at all? Is that why we're only concerned in the last two sections about amendments to the French version of this bill?

Mr Hardeman: We'll have the ministry answer that.

Mr FitzPatrick: I'm advised that when French legislative counsel was preparing the motions, it made them realize that there was a flaw in a similar phrase in what was already in the bill in the French version. They're correcting it.

Mr Gerretsen: I see. All the amendments that we're dealing with today and that the government's passing over the opposition's objections have not as yet been translated into French but will be translated once the entire bill has been dealt with, including amendments?

Mr FitzPatrick: I don't know that.

Mr Gerretsen: Supposedly? We just want to make sure that we do what's right.

The Chair: I'll have the legislative counsel make some comments.

Ms Sibylle Filion: The translation of the motions is actually — most of them have all been done except for some of the motions on schedule F, if that's the question.

Mr Gerretsen: I see. But maybe the legislative counsel can answer my initial question then. Why are we only dealing with some of the French amendments and why aren't we doing that for every section that's being amended?

Ms Filion: As counsel pointed out, at the time this particular motion was translated, it followed the wording that is currently in the provision that we are dealing with; that is, clause 7(b) of section 53.1. The words "a record or certified copy of a record relating to part VIII as specified in the request" was translated in one way which, in doing the motions, we realized wasn't the correct way to translate it. We are correcting that.

Mr Marchese: My worry about the French, with all due respect to Mr Carroll, is that the French is at the mercy of Mr Carroll.

The Chair: Further debate? All those in favour of this motion? Opposed? The motion is carried.

Page 37.

Mr Carroll: I move that section 53.1 of the Ontario Water Resources Act, as set out in section 25 of schedule B to the bill, be amended by adding the following subsections:

"Deemed official document

"(7.1) A record, certified copy of a record or a certificate delivered under clause (7)(b) or (c) that is or relates to an approval, certificate, consent, licence, notice, permit, order or return under part VIII of the Environmental Protection Act shall be deemed to be an official document signed by an employee in the ministry for the purpose of section 115.

"Same

"(7.2) A certificate delivered under clause (7)(d) or (e) shall be deemed to be an official document signed by an employee in the ministry for the purpose of section 115."

Mr Hardeman: Again, this is a similar amendment to the previous amendment to deal with the authenticity of a copy of a document.

Mr Gerretsen: The question I have is that this kind of an amendment has nothing to do with the kind of presentations that were made to this committee. Why would this amendment not have been thought about at the time when the bill was originally drafted? Will the parliamentary assistant agree with me that certainly the bill was drafted in haste and therefore not adequate attention was paid to a lot of these sections that should have been drafted correctly in the first place? I wonder if Mr Hardeman, for whom I have a lot of respect, could answer that question because I'm sure that he would never do anything in haste in Oxford county. To be involved with a government that seems to be doing most of its activities in haste — we need an awful lot of amendments and an awful lot of public outcry about most of what this government is doing. How could we possibly be involved with this kind of activity?

1600

Mr Hardeman: I would not suggest that this document was prepared in haste. I believe it was prepared with all due diligence by the staff and the legislative counsel and everyone else who was involved in preparing it. I would apologize and suggest that not everyone is perfect. From time to time, as you go through a lengthy review of a document, you will find the need for further refining or additions to that document to make sure it accomplishes all the things that need to be accomplished.

Mr Gerretsen: Just so that you understand where I'm coming from, I fully accept the fact that the staff in his ministry and all the other ministries are very competent individuals and that they are suffering under the tremendous load that the political masters have given them in these cases. Maybe they simply haven't had adequate time to draft this legislation carefully enough. None of my comments were intended to put any blame on staff, for whom I have the highest of regard. Maybe the political masters gave them these kinds of directions in haste and without much forethought in a lot of different areas. All we have to do is look at Bill 126, Bill 136, Bill 160 — as a matter of fact, probably just about every bill this government has come up with over the last two and a half years.

Mr Marchese: I would make a suggestion to the government. Given that they have ruled by fiat, by and large, and by omnipotence as well, with that omnipotent power they should just rule that staff be semi-divine —

Mr Gerretsen: The political masters certainly aren't.

Mr Marchese: — in which case we could probably avoid a lot of the errors that we see. Could they do that?

The Chair: Further debate?

All those in favour of this motion? All those opposed? The motion is carried.

We're on page 38.

Mr Carroll: I move that section 53.1 of the Ontario Water Resources Act, as set out in section 25 of schedule B to the bill, be amended by adding the following subsection:

"Sewage works

"(9.1) A regulation under subsection (9) may specify any works as sewage works for the purpose of any section of this act or regulations made under this act."

Mr Hardeman: The reason we're moving this amendment is to provide a means for regulating sewage systems which may be developed or identified during the transition and which do not fall clearly under the standards set in the existing provincial legislation, for example, the Building Code Act or the Ontario Water Resources Act.

The Chair: All those in favour of this motion? Opposed? The motion is carried.

All those in favour of section 25, as amended? All those opposed? Section 25, as amended, is carried.

All those in favour of sections 26 and 27? All those opposed? Sections 26 and 27 are carried.

Mr Sergio, we are on to you.

Mr Marchese: Finally, we change the pace a little bit.

Mr Sergio: This is schedule B to the bill, section 28, amendments to the Building Code Act, 1992, the Environmental Protection Act and the Ontario Water Resources Act.

I move that section 28 of schedule B to the bill be struck out and the following substituted:

"Commencement

"28. This schedule or any part, portion or section of the schedule comes into force on a day to be named by proclamation of the Lieutenant Governor after the later of:

"(a) January 1, 1999, or

"(b) The day after the Minister of Environment, the Minister of Municipal Affairs and the Minister of Health have tabled a report with the assembly setting out the actions the government has taken to ensure that public health standards in septic systems are being monitored."

The intent of the amendment is very clear. I made my pitch in debating former amendments on the same issues. That goes for this one as well. It deals with the transition of the powers and responsibility to local municipalities to hire their own people, train their own people and conduct their own inspections, and recovery of cost as well. The municipalities have no recourse to the upper tier, which is the provincial government, and they are left on their own.

I think the concern which we are expressing here, and which has been expressed by ASPHIO as well, is that the time between the moment of, "Yes, now it's yours," the province saying to the local municipality, "It's your baby; from here on in, it's your own responsibility" — we want to be assured that the continuity of service, inspections, especially with respect to health and stuff like that, are done in a fashion that is acceptable and does not affect the health of those residents. This is the reason we have introduced the amendment, to give enough time for the municipalities to conduct their affairs and get organized in the meantime.

Mr Gerretsen: To add to that, I think many of the same arguments that were made with respect to schedule A when we dealt with ambulance services can be repeated again, but I won't do that because I know you wouldn't allow me to do that. I think that in this particular case, there has to be an adequate time in order for the integration of the new system to take place.

Let me just quote to you some statistics from the submission that was made by the Association of Supervisors of Public Health Inspectors of Ontario. According to them, and I've got no reason to disbelieve them, there are approximately one million private sewage systems currently in operation in Ontario, and close to 22,000 certificates of approval for new systems are issued annually. Some 22,000 new sewage systems are put into the ground annually in the province of Ontario.

Surely this is not just a question of dollars and cents. This is a question of public health and the protection of the public to make sure that everything is done in a safe, environmental way. Surely in an integration where you're now going to integrate the building inspection function with the sewage function, you want to make sure that no errors are made at all when you realize that 22,000 new sewage systems are being approved in this province on an annual basis. I would think that we want to make sure that it's done correctly, not only in order to save a few dollars here or there by either this government or by local governments. It's the future health and safety and environmental safety of our communities that are at risk and are at stake.

We've only got six weeks until this new system comes into operation. Why don't we just hold off, make sure that all the restructuring, all the downloading that's been talked about in this bill and in other bills has taken place at the local levels and then, maybe next year, for January 1, 1999, we can be ready for the new system to take place. I think the environmental health and safety of the people of Ontario is at risk and at stake. With the numbers that we're talking about, that in the year 1998 some 22,000 new systems can be put into the ground, we want to make sure that they are done in a safe and environmentally sound way. Delay it until January 1, 1999, and allow the system to adequately respond to the concerns as set out in this bill.

Mr Marchese: I support the motion and reiterate my support for the presentation made by the Association of Supervisors of Public Health Inspectors of Ontario. I thought their submission was well documented. I thought their presentation was useful for us all, but quite clearly the government members have not listened to any of the suggestions they've made. Clearly they have an agenda and they don't want to be diverted from it by any intelligent observations or points of views made by people who are experts in their field.

I know you all have faith in all of this. You seem to, from the way you have dismissed many of their recommendations. I don't have the same faith. I truly believe that this transferring of responsibilities downward to the local municipality will not have the objectivity that it

should have, will be more likely to be influenced than the provincial bodies. I think that will have repercussions to the general health of the population and to our environment which directly impinge on our health as people who live in those environments. So I believe that you are moving in the wrong direction, that you will facilitate this for some individuals and some developers. This might be nice for them, but overall it has implications. This motion is an attempt to get to that particular problem and I support it.

1610

Mr Hardeman: I will not be supporting the amendment. I think it's important to recognize that as part of the realignment of services from the municipal and the provincial sectors, the septic system inspection is one of those items that's being changed from a provincial to municipal function. I would point out that at present the province does not provide the inspections that we're referring to. They are all done under contract with the ministry, the majority of which are being provided by local government bodies now through the conservation authorities or boards of health.

There is no reason why the municipalities, if they so desire, could not continue the practice that at present exists to administer that function until such time, as the suggestions were, that they can actually totally integrate it with their building function. At this point in time, this provides the opportunity to move that function to the municipal sector. Also, in a lot of cases, where it is at present being provided through the boards of health in other areas of the Who Does What transfers, we will all recognize that the proposal is to transfer the total function of the board of health or the cost of the board of health to the municipalities, and again, that could incorporate the inspections where they are at present. They would then become a municipal function and they could carry on as long as the local government decided that was the appropriate way of delivering this service.

I see no need for the delaying date. I would point out that if one follows the process that we have been through all day today, every section, we would seem to suggest that we should delay implementation because there are too many others that are being implemented at the same time. I would point out to the committee that the purpose is to make sure that we have a balance of transfers in the municipal-provincial transfers, so I would encourage the members of this committee not to support this motion.

The Chair: We are going to call a vote on Mr Sergio's motion. Shall the motion carry?

Mr Gerretsen: I'd like a recorded vote.

Ayes

Gerretsen, Marchese, Sergio.

Nays

Carroll, Hardeman, Hastings, Hudak.

The Chair: The motion fails.

Mr Marchese: I withdraw the next motion, Mr Chair.

The Chair: Very good. All those in favour of section 28? All those opposed? Section 28 is now carried. That appears to conclude schedule B, so I will ask, shall schedule B, as amended, carry?

Mr Gerretsen: I'd like a recorded vote, please.

Ayes

Carroll, Hardeman, Hastings, Hudak.

Nays

Gerretsen, Marchese, Sergio.

The Chair: Schedule B, as amended, is carried.

Mr Marchese: Chair, are they leaving us? Thank you very much.

The Chair: Indeed. You are absolutely right, Mr Marchese, for assisting. I wish to thank all of Mr Hardeman's assistants for helping the committee this afternoon. Thank you very much.

We're now on schedule C. I understand that's Mr Carroll's role as the parliamentary assistant. We are now on page 41.

Mr Carroll: Subsection 1(1) of schedule C, definition of "district social services administration board" in section 1 of the Day Nurseries Act: I move that the definition of "district social services administration board" in section 1 of the Day Nurseries Act, as set out in subsection 1(1) of schedule C to the bill, be struck out.

The reason for this is that the district social services administration boards are in Bill 142 and will not come into existence until that act is proclaimed in January 1998. Therefore, reference to them in this act is not appropriate. The other references to district social services administration boards are being replaced with the terminology "prescribed boards." That provides the flexibility to use district welfare administration boards, which we currently have, until district social services administration boards or area service boards are created.

Mr Gerretsen: I'm wondering if this speaks to the arrogance of this government, because I guess what Mr Carroll is acknowledging here is that there was an assumption that Bill 142, which obviously was introduced in the House before Bill 152, was already proclaimed. Is the government proceeding on the basis that every bill that's before it will automatically be rubber-stamped by this Legislature? Is that why hindsight and some of the other events that have taken place over the last six months have made you withdraw this particular definition, because you realize that maybe the Legislature will wake up one of these days and there will be sufficient numbers of government backbenchers who will actually vote against a bill like Bill 142, that it may not pass and that you cannot be so presumptuous as to assume that it has been passed? Is that the real reason for doing this, Mr Carroll?

Mr Carroll: The short answer is no.

The Chair: Further questions or debate? All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 1, as amended? All those opposed? Section 1, as amended, is carried.

We're on section 2, page 42 of the package.

Mr Carroll: Section 2 of schedule C, subsection 2.2(1) of the Day Nurseries Act: I move that subsection 2.2(1) of the Day Nurseries Act, as set out in section 2 of schedule C to the bill, be struck out and the following substituted:

"Delivery agents designated

"(1) The minister may by regulation designate a municipality, band or prescribed board as a delivery agent for each geographic area."

The reason for moving this amendment is to permit a band to be designated as a delivery agent to deliver child care within a designated geographic area and, again, to eliminate the reference to district social services administration boards, for the reason given with the previous amendment, and to replace it with the terminology "prescribed board."

The Chair: Debate? All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 2, as amended? All those opposed? Section 2, as amended, is carried.

All those in favour of sections 3, 4 and 5? Opposed? Sections 3, 4 and 5 are carried.

We are on page 43 of the package. Mr Carroll.

Mr Carroll: Section 6 of schedule C, section 7.3 of the Day Nurseries Act: I move that section 7.3 of the Day Nurseries Act, as set out in section 6 of schedule C to the bill, be amended by adding the following subsection:

"Municipal costs

"(2) A municipality shall pay its share of the prescribed costs incurred under this act, despite section 111 of the Municipal Act."

An explanation for that is that we want to clarify that municipalities cannot use section 111 of the Municipal Act to refuse to enter into agreements with private sector operators to pay for wage subsidies. Wage subsidies, of course, will be one of the prescribed services that must be cost-shared by municipalities under subsection 7.3(1).

The Chair: Debate?

1620

Mr Sergio: This is the hammer that the provincial government is using again on the municipalities. It was said best here in AMO's presentation. We have to respect AMO, as others here, because they went to the trouble to put a presentation together and to come and make a presentation to us. They have made good points. It is most unfortunate that the government seems to be listening to but not acting on those recommendations.

Mr Gerretsen: Aren't they listening?

Mr Sergio: They may be listening, but taking action is another matter. With respect to Bill 152 and the amendment to the Health Protection and Promotion Act and dealing with the Day Nurseries Act, they say that the government has not indicated a willingness to ensure municipal input on these mandatory programs, which is a major disappointment to the municipal sector and a clear violation of the principle of pay for say. This is an imposi-

tion of the provincial government on the local municipalities, where they are saying what they have to do without giving them a say, and on top of that, they are required to pay.

I find it astonishing that the government continues to conduct business in a charade, in a sense, because we go through the public hearings, we get good submissions by agencies that are extremely well recognized and they provide an excellent service to the people of Ontario, but the government is not willing to make any effort to change it and make it better.

Mr Marchese: I have just a quick point to preface my remarks here. As you've noticed, I've been against the download bill because it has profound effects on municipalities, people, property taxpayers and tenants. In this particular instance, if the government doesn't do this, some municipalities could end up cutting their day care spaces. That's my understanding of this particular amendment here. In this regard I am tempted to be supportive of it, because otherwise municipalities could indeed cut spaces if this were not there. Is that true or not?

Mr Carroll: This section has nothing to do with cutting spaces. This section has to do with making sure the playing field is level so that both private day care operators and not-for-profit day care operators are treated the same way.

Mr Marchese: This is page 43 we're at.

Mr Carroll: Yes.

Mr Marchese: Okay. Good, fine.

Mr Carroll: It will level the playing field so that all day care operators are treated the same way and a municipality is obligated to pay a wage subsidy to all day care providers who qualify for one. It's just a matter of leveling the playing field. It has nothing to do with the elimination or adding of day care spaces.

Mr Marchese: Thank you for the clarification.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 6, as amended? All those opposed? Section 6, as amended, is carried.

All those in favour of section 7? All those opposed? Section 7 is carried.

Mr Carroll, page 44.

Mr Carroll: Subsection 8(7) of schedule C, subsection 18(1) of the Day Nurseries Act: I move that subsection 18(1) of the Day Nurseries Act, as set out in subsection 8(7) of schedule C to the bill, be amended by adding the following clause:

"(1.5) providing that, until a delivery agent is designated for a geographic area, the costs incurred under this act be apportioned by a prescribed municipality or a prescribed board in accordance with a regulation under subsection (3) among the municipalities in the area, requiring the municipalities to pay their share of the costs to the prescribed municipality or board, and prescribing the municipality or board for such purposes."

The reason for moving this amendment is to clarify that prescribed municipalities and boards are able to apportion costs in a geographic area before a delivery agent is des-

igned. This provision covers the transition period from January 1, 1998, until the establishment of the delivery agents.

Mr Marchese: I have just a quick point. This is another case of the government not knowing what it's going to do. We've seen that in so many other areas. It has provided a transitional mechanism here through this particular amendment till it figures things out. Basically that's what it's about. It speaks to the haste with which this government is moving. Because they don't know how to manage the whole problem, they have to come up with these mechanisms to deal with it. It's sad, I think.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion is carried.

We're on to page 45.

Mr Carroll: I move that subsection 18(3) of the Day Nurseries Act, as set out in subsection 8(11) of schedule C of the bill, be struck out and the following substituted:

"Apportionment, payment by municipalities

"(3) A regulation under clause (1), (1.3) or (1.5) may do one or more of the following:

"1. Authorize municipalities in a geographic area to determine by agreement how their costs are to be apportioned, subject to the prescribed conditions.

"2. Provide for an arbitration process for determining how the costs of those municipalities are to be apportioned.

"3. Set out the manner in which costs of those municipalities are to be apportioned.

"Same

"(4) A regulation under paragraph 1 or 2 of subsection (3) may,

"(a) provide for the manner in which costs are to be apportioned and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration;

"(b) permit an agreement or the arbitration decision to apply to costs incurred and paid before the agreement or the arbitration decision is reached; and

"(c) provide for the reconciliation of amounts paid on an interim basis.

"Retroactive regulation

"(5) A regulation under clause (1), (1.1), (1.2), (1.3), (1.4), (1.5) or (m) may, if it so provides, be effective with respect to a period before it is filed that commences on January 1, 1998.

"Same

"(6) If a regulation under paragraph 3 of subsection (3) is retroactive, it may provide for the reconciliation of amounts paid."

I'll just explain this one quickly. It's not unlike the amendment we passed regarding ambulance services. The current belief among municipalities is that left to their own devices, we as a government will make a decision to force them to share costs based on equalized assessment. We wanted to introduce the fact that there are other ways to divide costs up because equalized assessment favours separated cities.

We want local municipalities to come to their own decisions as to how they will share costs rather than have the minister or the ministry be forced to do that. We've therefore opened up the possibility that there is more than one way to make the decision, in an effort to encourage municipalities to come up with their own solutions. We believe in local solutions. We think this change to the act will promote local solutions.

Mr Marchese: For the record, Mr Chair: This is yet another case of the government trying to provide for all contingencies because it doesn't know what it's going to do, by and large, so you're stuck with this. We saw this with the ambulance services as well.

What does this do, all this stuff? It will entail a greater complication and confusion of municipal and provincial responsibilities, further entangling the mess rather than disentangling. Municipalities will fund most of it. The province will control some of it. Municipalities will have to work out a morass of cross-boundary payments and chargebacks and in the end the public will not know who's responsible for what. All the while you guy are saying, "We're disentangling, making it easier for people to understand, giving to municipalities because they have the scale" and so on. You entangle the morass, people will be more confused than ever and costs will go up and services will go down.

The Chair: Further debate? All those in favour of this motion? All those opposed? This motion is carried.

All those in favour of section 8, as amended? All those opposed? Section 8 is amended as carried.

All those in favour of section 9? All those opposed? Section 9 is carried.

Mr Marchese, page 47 is out of order, but I will allow you to debate further on section 10.

Mr Marchese: That's all right, Mr Chair. I'll withdraw it. I'm making my points as I go along.

The Chair: You're doing a great job. Further debate on section 10?

Mr Gerretsen: I'd like a recorded vote on this, please.

The Chair: All right.

1630

Ayes

Carroll, Hardeman, Hastings, Hudak.

Nays

Gerretsen, Marchese, Sergio.

Mr Sergio: Is it out of order, Mr Chairman?

The Chair: Sorry, Mr Sergio. Mr Marchese's motion was out of order. That's what I was declaring.

That appears to conclude schedule C. All those in favour of schedule C, as amended? All those opposed? Schedule C, as amended, is carried.

We are now on to schedule D.

Mr Carroll: I would like to take the opportunity to thank the staff for their services.

Mr Gerretsen: They work extremely hard.

The Chair: Thank you very much, Mr Carroll, for that.

Mr Marchese: Mr Chair, what page of the bill are we on now? Page 44?

The Chair: We're now on schedule D, which is page 44, and we are on page 48 of the package of amendments. Mr Hudak has returned.

Mr Hudak: It's good to be back, Chair.

Mr Marchese: We're happy to see you, Mr Hudak.

Mr Gerretsen: He's a man of many talents, but bringing in good legislation isn't one of them.

The Chair: I'm going to let Mr Carroll introduce the first amendment.

Mr Carroll: I move that section 1 of schedule D to the bill be amended by adding the following subsection immediately before subsection (1):

"(0.1) The definition of 'board of health' in subsection 1(1) of the Health Protection and Promotion Act is amended by striking out 'and' at the end of clause (b), by adding 'and' at the end of clause (c) and by adding the following clause:

"(d) an agency, board or organization prescribed by regulation."

Mr Hudak: Municipalities, through AMO, have expressed that county councils or committees of councils should be able to govern public health, stating that they need the flexibility in governance to obtain administrative savings. Currently the bill does not amend the definition of the board of health, that council or a committee of council could not govern the public board of health. The same would apply for consolidated municipal service management and other delivery boards. So this amendment in a nutshell allows an entity, as prescribed through regulation, to be a board of health, which could include a county council, for example.

The Chair: Debate?

Mr Gerretsen: Just so that I understand Mr Hudak correctly, will the current boards of health that in many cases are constituted of a number of municipalities or counties etc continue to exist or will there be a choice of whether each municipality is going to independently set up a board of health or a committee dealing with public health issues?

Mr Hudak: Yes. The amendment would mean that those counties to which you refer would maintain their public health unit. If for some reason they had a case for why they would want to change the governance structure, they would have to come to the minister, who would evaluate it on a case-by-case basis to make sure that all the functions performed by the board of health could be performed in some new structure.

Mr Gerretsen: Just so that I'm clear — January 1 is less than six weeks away, and that's when these changes will take place — initially, will the current boards of health continue or will they become strictly municipal functions at that point in time and it will be up to each municipality or county as to whether they will continue?

Mr Hudak: Yes, they do continue.

Mr Gerretsen: When does the situation that you describe take place?

Mr Hudak: They would need to come to the minister on a case-by-case basis —

Mr Gerretsen: To change the current structure.

Mr Hudak: — if they want to change the governance structure.

The Chair: Debate? All those in favour of this motion? Opposed? This motion is carried.

Mr Carroll, on to page 49.

Mr Carroll: I move that the definition of "obligated municipality," as set out in subsection 1(2) of schedule D to the bill, be struck out and the following substituted:

"'obligated municipality,' in relation to a health unit, means any county, district or regional municipality or the county of Oxford, or any local municipality that does not form part of a county, district or regional municipality or the county of Oxford for municipal purposes, that is situated, in whole or in part, in the area that comprises the health unit; ("municipalité assujettie")

Mr Hudak: This motion is in response to ALPHA and some other groups who were concerned about the definition of "obligated municipality" in the bill as it stands, so this motion will make it much more clear that it is upper-tier or single-tier municipalities that are the obligated municipalities for the purposes of the act and are therefore responsible for making payments to the boards of health for public health.

The Chair: Debate?

Mr Marchese: I have a question to make sure we have dealt with all the concerns raised by various people. George Pasut, who is an MD, FRCPC — he has various titles — was concerned about the definition of "obligated municipality" and said, "On the surface this appears to be straightforward and not subject to any misinterpretation. The reality for health units with multiple municipalities may be quite different.

"For example, the Simcoe County District Health Unit comprises the geographic area of Simcoe county. This area includes 18 municipalities in total. For purposes of current cost sharing arrangements, 16 of these municipalities are represented by the county of Simcoe, an upper-tier level of government. The remaining municipalities are the separated cities of Barrie and Orillia."

He speaks of that as a complication. Have you addressed his concern to this?

Mr Hudak: Yes. The concern of that gentleman and other representatives of boards of health and from ALPHA will be addressed through this motion. That's why we support this motion.

Mr Marchese: Okay.

The Chair: All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 1, as amended? Opposed? Section 1, as amended, is carried.

We are on to page 50, which is a Liberal application.

Mr Sergio: I move that paragraph 3 of section 5 of the Health Protection and Promotion Act, as set out in subsection 2(2) of schedule D to the bill, be struck out and the following substituted:

"3. Health promotion, health protection and disease and injury prevention, including the prevention and control of cardiovascular disease, cancer, AIDS and other diseases."

For us, this is an important amendment. As you can see, it addresses a number of —

The Chair: Please proceed.

Mr Sergio: Do we have any problem with the amendment?

The Chair: Everything is absolutely under control.

Mr Sergio: Great, so I assume that you're going to support it, Mr Chair. If you'll do that, I'll stop right now.

The Chair: Just waiting for you to finish your rationale, Mr Sergio.

Mr Sergio: I think the amendment speaks for itself, as it addresses a number of concerns with health-related issues. I hope it serves to clarify the clause and I hope the government will see fit to support the amendment.

Mr Marchese: This definition was put forward by the Association of Local Public Health Agencies. You will notice the next motion we have is similar. This has the addition of AIDS to it. We support this amendment because this association obviously puts a great deal of emphasis on the promotion of health and it implies, in their view and mine, a more activist role for such a unit, which the other does not. I don't think we see this in contradiction to what you folks want to do, but it is much more focused in terms of giving responsibility for health promotion, and I don't see why you wouldn't want to support it.

Mr Gerretsen: I'm sure you're right.

Mr Hudak: I believe that Mr Sergio has brought forth a very sensible amendment. I think it accurately reflects modern public health practices and I therefore recommend that the government support his amendment.

Mr Gerretsen: Congratulations, Mario. This is an historic day for this government and this committee.

The Chair: Further debate?

Mr Marchese: I really feel good today, Mr Chair.

Mr Gerretsen: Mr Hudak just made my day.

The Chair: All those in favour of this motion? It appears to be unanimous. Good work.

Page 51.

1640

Mr Marchese: My motion becomes very redundant given that your good Conservative colleagues have, on this sole instance, decided that this is a good thing to do. We congratulate them. God bless them.

Mr Carroll: We thank you.

The Chair: Are you withdrawing your amendment, Mr Marchese?

Mr Marchese: Withdrawn.

The Chair: All those in favour of section 2, as amended? All those opposed? Section 2, as amended, is carried.

All those in favour of sections 3, 4, 5 and 6? All those opposed? Sections 3, 4, 5 and 6 are carried.

We're into section 7, a government proposal on page 52.

Mr Carroll: I move that subsection 7(1) of schedule D to the bill be struck out and the following substituted:

"(1) Subsection 67(1) of the act is repealed and the following substituted:

"Medical officer of health

"(1) The medical officer of health of a board of health reports directly to the board of health on issues relating to public health concerns and to public health programs and services under this or any other act."

Mr Hudak: This is the first of three government motions describing the strengthened role of the medical officer of health in public health units. This motion in particular responds to the concerns we heard from municipalities, through AMO and others, who suggested the medical officer of health concentrate on medical health programs and allow some flexibility in terms of delivering the administrative functions of the board.

This allows more flexibility at the municipal level, but it maintains, or actually strengthens, the ability of the medical officer of health to report directly to the board on health programs.

Mr Gerretsen: Let's be a little bit more direct. I think what this is really talking about is that the medical officer of health doesn't report to the CAO of the municipality but rather to the board of health. This deals with an age-old problem in a lot of boards of health as to who is really in charge, the medical officer of health or the financial officer or the chief executive officer or whatever he or she is called. I think it was settled a number of years ago that the medical officer of health is actually the person in charge. This just carries it through to the municipal setting. That is what it's really all about, not what you're saying at all, in my humble opinion. That's a good idea. They should be in charge.

Mr Hardeman: In clarification of what the parliamentary assistant said, I think it's very important to recognize that this does provide the opportunity for the county or the municipal government structure to actually perform and to provide the administrative functions of a board of health, as opposed to having to have the medical officer of health in charge of those administrative functions. I think, as the PA mentioned, it is an opportunity to streamline and to deliver the services more effectively to the local residents.

Mr Marchese: I like the spin that Mr Hudak and Mr Hardeman are putting on this. It makes them feel like they're doing something without explaining that the original intent of the bill is to gut the power of the medical officer of health. That's really what they did, what they're doing. This is an attempt to restore some connection to accountability and power. But it doesn't solve the problem that at the moment the medical officer of health has executive powers. He's the executive officer of the local health unit at the moment. It's an autonomous position. It's got a great deal of power, which it should, because it means that individual is not to be influenced by anybody, or whose power should be diminished. He should have that power and autonomy to be able to determine issues of public health.

This bill has the effect of limiting the autonomy of the medical officer of health. Currently the medical officer of health is the executive officer of the board of health, as I said. The medical officer of health is free to determine health risks and hazards as well as develop health promotion and protection programs based on the ministry guideline. The medical officer of health is linked with the chief medical officer of health for the purposes of information, collection and analysis. That power was critical. You guys have taken that power away from him. Why would you do that?

What you've done is, you probably went out and negotiated something, which is good, with the OMA — not another municipal body, but the OMA. I'm assuming that's what you've done. I could be wrong.

It's not bad in terms of allowing — "the medical officer of health of a board of health reports directly to the board of health on issues relating to public health...." It seems awkward, but it's a good thing to do. You've got to admit you've taken that power he used to have — Mr Hardeman, you're squinting, which leads me to believe that you are either not following it or you think I'm somehow going in the wrong direction.

Mr Hardeman: I'm following you 100%.

Mr Marchese: You will recall, Mr Hardeman, I'm not the only one saying this. We had a lot of doctors who came in front of a committee very concerned with what you've done, so please don't squint as if you somehow don't understand what I'm getting at.

The Chair: He may have something in his eye, Mr Marchese.

Mr Marchese: He's restored the problem rather quickly.

The Chair: Mr Marchese, please proceed.

Mr Marchese: We had a lot of doctors who spoke to this issue. You would admit that. They said you guys are going in the wrong direction. You will hopefully admit that too. But you haven't listened to the doctors who came to speak and said, "This is a serious problem." Your limiting of their powers is a serious problem in terms of the work they should be doing. Their power should not be taken away, as what you have done.

I don't know the rationale for that. I just don't understand. Listening to you guys, I don't know what you're saying that improves the previous situation we had other than saying, "Municipalities wanted this," or "Now we've got another motion to make it easier or better for reporting." Give me an explanation that will make me feel better and that will make the public feel a little bit better, that by emasculating the powers of these medical officers you've done a good thing. Explain it to them so that they know.

Mr Hudak: I believe this amendment responds very clearly to the concerns of our municipalities as well as of public health stakeholders. I'll ask Dr Mowat to introduce himself and to respond to Mr Marchese's question.

1650

Dr David Mowat: Dr David Mowat, chief medical officer of health and director of the public health branch. Although it is true that the HPPA said that the medical

officer of health was the executive officer of the board, in the regions the acts establishing those regions took precedence in establishing a somewhat different relationship. It wasn't the case that the medical officer of health currently is always clearly the executive of the board and in charge of not only the health programs but the administrative functions.

The representation that was made to the committee requested that there be a clear voice, that somebody be able to determine what health hazards might exist in a community and report them to the responsible board or council, and thus to the public.

This new section which is inserted here, which wasn't in the last act, specifically provides that this will be done, so that the public has a right to hear whatever the specialist physician has determined might be a health hazard, and furthermore that they will hear what he has to say about the extent to which the public health programs and services ought to be changed or the extent to which they're meeting needs. This, together with the motion on page 54, which for the first time specifically provides that the medical officer of health is in charge of the management of public health programs and services and that the professional staff report to him, preserves all of the professional functions while simultaneously allowing for a board or equivalent to have choice regarding administrative arrangements, including the choice, of course, to continue to have the medical officer of health as the executive officer of the board.

Mr Marchese: I'm not sure that the section this doctor refers to on page 54, where it speaks of the management of public health, gives that person power over budget, which the chief medical officer had in the past. I don't think management means that they will have control over budgets, for example, first of all.

Secondly, I'd like this doctor to respond to what this other person said who made this deputation, George Pasut, medical officer of health from Simcoe county. He said the following:

"At a local level, accountability for health issues is also vital. As the medical officer of health, I have a duty and a responsibility to protect public health — a role which is in part advocate, and in part guardian of public health. The proposed amendments to the functions of the medical officer of health compromise this ability."

Is it your view, Doctor, that with this amendment we correct the problem that this doctor has?

Dr Mowat: Indeed I believe that to be the case. When Dr Pasut was making that presentation, he was working from the original Bill 152. I believe these motions do address the concern that he and others expressed, that there should be that guardian-advocate role. These motions are intended to address that issue.

Mr Marchese: I quoted this doctor saying that it's part advocate, part guardian. You see that reflected in this motion, where now the medical officer reports to the board of health. You see his concerns being addressed by this motion or another motion that talks about the medical officer of health or the board of health being responsible

to the board for the management of public health. So with these two motions, we've addressed this man's concerns; is that what you're saying to me? I'm going to make it my responsibility to call this doctor and ask him, because I'm not sure it does, but you seem to think it does.

Dr Mowat: I do, and Christine Henderson will amplify that.

Ms Christine Henderson: I'm legal counsel for the Ministry of Health.

In the bill currently, you note that the bill provided that there could be an exemption of the executive officer role for the medical officer of health by regulation. That regulation, if approved, would then have left the medical officer of health with no reporting ability to the board of health. What this amendment does is clarify the reporting relationship of the medical officer of health and the board of health. This is a new provision that will clarify the role vis-à-vis the MOH and the board in regions in all other autonomous boards in the province. As Dr Mowat has said, it's something new that preserves the professional role and the public health role of the medical officer of health.

Mr Marchese: I'm not convinced, but they seem to be. Let's hope it is as they say.

Mr Gerretsen: First of all, I should say that Dr Mowat is a highly regarded former medical officer of health for the Kingston, Frontenac, Lennox and Addington health unit. I'm certainly glad he has joined the government to try to deal with this particular issue.

If I can just put a different light on it, it may very well be that the amendment strengthens the position of the medical officer of health. I don't expect the two staff people here to answer, because I think it would be totally unfair for them. But it certainly doesn't deal with the overall concern that's out there, number one as to whether or not these health services should be funded out of the property tax base, which is a whole different kind of argument, and number two, what was happening there before as far as budget is concern.

The way budgets are handled right now by the different health units is that the health unit, the board, sets its budget and it gets approved by the ministry, the way I understand it. The ministry then antes up its 80% and the other 20% is allocated to the affected municipalities. So in effect it operates as almost an autonomous board, and the municipalities quite frankly don't have too much to say as to whether or not the budget is too rich or not rich enough or what have you. They can appeal to the province and adjudication measures can be taken up, but the municipalities don't really have any say as to how much they themselves are going to put into the local health units, the way they currently exist.

Under this new proposal, where local municipalities are going to fund health units, they will have much greater direct financial control. I argue and many people have argued that local tax dollars shouldn't be used for health services. That's just the wrong way to go. Crombie said that in the Who Does What panel, that health and social services should not come out of the local property tax

dollars. There's no question that municipal councils will have much greater control over the public health dollars that are going to be expended than they did in the past, because in the past, quite frankly, they had no control at all.

But that's a slightly different issue, Mr Marchese, as to whether or not with these amendments the medical officer of health is going to have a greater say than he or she would have had before these amendments were introduced. I'm sure if you talk to most of the medical officers of health or if you talk to most health units on a one-to-one basis, they would still rather be funded under the old mechanism, where it was primarily a provincially funded operation, to 80%, rather than the current system, where they're going to have to rely on local dollars. Certainly, that's the word I'm getting from municipality after municipality, as well as various health units.

I don't think we should mix up the two issues, from the point of view that with this amendment everybody in the board of health organization or structure within the province of Ontario is happy. They are certainly happier with the idea that the medical officer of health reports directly to the board of health on all health-related matters, but it doesn't deal with the funding issue at all, which is of utmost importance, particularly since municipalities basically are going to influence the budgets a lot more than they ever did before.

The Chair: Further debate?

All those in favour of this motion? Opposed? This motion carries.

Mr Carroll: I move that subsection 7(2) of schedule D of the bill be amended by inserting, "under this or any other act" after "services" in the third line.

Mr Hudak: Bill 152 currently does not explicitly state that public health staff must report to the medical officer of health for programs and services besides the HPPA, so this means that on other acts that apply, they'll report to the medical officer of health, to make that a clear reporting mechanism. Examples of other acts are the Immunization of School Pupils Act, the Day Nurseries Act etc.

The Chair: Debate?

Mr Marchese: Does the bill limit the medical officer of health's direction over employees of the board of health to only matters of the delivery of public health programs or services?

1700

Ms Henderson: If I may answer that, Mr Chair, currently the bill provides that the employees engaged by the board are subject to the direction of and are responsible to the medical officer of health if their duties relate to the delivery of public health programs and services. The proposed motion would clarify that the public health programs and services referred to are under the Public Health Act or any other act. That strengthens the motion and clarifies it.

The Chair: Okay. We'll try again. All those in favour of this motion? All those opposed? This motion is carried.

We are on to page 54, which is a government motion. Mr Carroll.

Mr Carroll: Subsection 7(3) of schedule D, subsection 67(3) of the Health Protection and Promotion Act: I move that subsection 7(3) of schedule D to the bill be struck out and the following substituted:

“(3) Subsection 67(3) of the act is repealed and the following substituted:

“Management

“(3) The medical officer of health of a board of health is responsible to the board for the management of the public health programs and services under this or any other act.”

Mr Hudak: This is consistent with the two previous motions that we have already had some discussion and debate on. It ensures the medical officer of health continues to be responsible to the board for the management of public health programs and services.

Mr Marchese: Could I just ask the lawyer and the doctor again what that word “management” implies, what it means?

Dr Mowat: “Management of public health programs and services,” would imply the determination of the health needs to be met, the methods by which those needs would be met, the allocation and direction of staff and evaluation of the results.

Mr Marchese: So allocation of staff and —

Dr Mowat: The evaluation of the outcomes of such intervention.

Mr Marchese: In terms of budget, allocation refers to having access to money, obviously. Does it have control over budgets?

Dr Mowat: The medical officer of health currently doesn't control budgets. The budgets are set by the board of health or regional council.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion is carried.

We are on page 55. Mr Gerretsen.

Mr Gerretsen: I move that section 7 of schedule D to the bill be struck out and the following substituted:

“7. Subsections 67(1), (2) and (3) of the act are repealed and the following substituted:

“Executive Officer

“67(1) The medical officer of health of a board of health is the executive officer of the board.

“Direction of staff

“(2) The employees of and the persons whose services are engaged by a board of health are subject to the direction of and are responsible to the medical officer of health of the board.

“Management and administration

“(3) The medical officer of health of a board of health is responsible to the board of health for the management and administration of the health programs and services and business affairs of the board.”

It basically deals with many of the points that have already been made earlier. I understand a number of presenters, including the OMA, requested the local medical officers of health retain administrative control over their staff as well. This amendment replaces the changes in Bill 152 with the current provisions of the Health Protection

and Promotion Act. That's really all I want to say at this point in time. It clearly states who is in charge in a board of health.

Mr Marchese: We support this motion, obviously. This is the concern that we have, the concern that we've been hearing and listening to. This would clearly put the medical officer of health in a position to have the autonomy that he or she needs to determine health risks and hazards, as well as to develop health promotion and protection programs in a way that is not to be influenced by municipal politicians one way or the other. It gives him that role that we think he or she should have. I'd like to hear from Mr Hudak or the lawyer or the doctor with respect to this motion, if they have an opinion.

Mr Hudak: On this particular motion, the previous three motions dealt with the same issues and responded to the same concerns that Mr Marchese and Mr Gerretsen have identified. I believe that the motions that we have already passed from the government achieved those goals in terms of clearly defining the role of the medical officer of health and striking that role, following from the debate we've already had on these issues.

Mr Marchese: So this is redundant, in your view, because your motions in fact say what these motions say.

Mr Hudak: I believe our motions are superior.

Mr Marchese: Superior even. Doctor, do you have an opinion on this?

Dr Mowat: I can only reiterate what I've already said.

The Chair: Mr Marchese, excuse me. I haven't interjected at this stage. Mr Hudak has probably clarified what I've been thinking. If you look at what has gone on in the previous amendments, if this carries, it would nullify the previous amendments, and therefore it may be out of order. Now, I'll allow you to go on, but I'm just raising that as an issue. No one has raised that, but —

Mr Marchese: I don't find the amendments to be superior to this one.

The Chair: I don't think it was meant like that, Mr Marchese.

Mr Marchese: They're very different, in my view — my limited view, because I'm not in this field. But I wanted to ask the doctor for his opinion, given that he has a good deal of expertise in these matters.

Dr Mowat: Mr Chairman, I believe my previous remarks addressed these issues.

Mr Gerretsen: The reason for bringing this up is I think that all of the other previous motions just deal with the position of the medical officer of health and what his powers are. This amendment, I believe, is much more specific. It deals with his directions to staff, the fact that he is the executive officer and the fact that he is responsible for the management and total administration.

I know that traditionally there has always been an argument within the boards of health as to who is really in charge. Is it the chief administrative officer or is the medical officer of health? What we are trying to do with this amendment is to set out once and for all that the medical officer of health is not only in charge in reporting to the board on health issues but also is responsible ultimately

for the good management of the employees who work at the board of health. It just clarifies the situation so that there can be much less argument about it in the future. That's the purpose.

I'd like a recorded vote.

Ayes

Gerretsen, Marchese.

Nays

Hardeman, Hastings, Hudak.

The Chair: The motion is defeated. Mr Marchese, I trust you are withdrawing the motion on page 56?

Mr Marchese: Correct.

The Chair: All those in favour of section 7, as amended? All those opposed? Section 7, as amended, is carried.

We are on to page 57. Mr Marchese, this is another one of those standing order 56 concerns that I have, but I'll let you introduce the motion and put you on notice that I am concerned.

Mr Marchese: Of course. I move that section 8 of schedule D to the bill be amended by added the following subsection:

"Transitional

"(2) Upon the day subsection (1) comes into force, the ministry shall, despite section 72 of the act, continue to pay, for a period of one year, the same share of the expenses referred to in subsection 72(1) of the act as it was paying immediately before that day.

"Same

"(3) At the end of the one-year period, the ministry shall send each obligated municipality notice of the amount paid by the ministry under subsection (2) on the municipality's behalf.

"Same

"(4) Each obligated municipality shall pay the ministry the amount specified in the notice referred to in subsection (3) within the time period specified in the notice."

This motion is somewhat similar to what we presented earlier. The boards of health across the province expect that there will be a shortfall or, if not a shortfall, a cash flow problem as of January 1. This motion is intended to help them deal with that eventuality or that problem that they foresee happening.

1710

The Chair: To be consistent with my previous rulings, it is in order, Mr Marchese, and you may proceed.

Mr Marchese: Done that.

The Chair: Further debate?

Mr Gerretsen: I would like to hear from Mr Hudak on this. I know we've gone through this a number of times this afternoon, but the government has been saying in its propaganda for the last six months or so that all of these downloading exercises are revenue-neutral. Why doesn't the government put its money where its mouth is and basically say, "Yes, we believe in what we've been telling

the municipalities, we believe in what we've been telling boards of health, we believe in what we've been telling all of these people, that it is revenue-neutral"? All this is saying is that if it's not revenue-neutral, you're going to pay the difference.

Mr Hudak, you being the reasonable individual and parliamentary assistant that you are, and believing your own propaganda that you've been spouting for the last six months, surely you will agree with this, that if there's a deficiency, the government will pay the difference. I assume that he'll be voting in favour of this, since I believe it's the first time this parliamentary assistant has actually had to deal with this particular issue. I believe the other two gentlemen did before.

The Chair: Well, let's see.

Mr Hudak: Chair, it's consistent with my arguments I'd used before in schedule A that this would be inconsistent with the principle of the bill on differentiating funding responsibilities instead of getting them mixed up again. I would argue as well, and the stronger argument here, that because public health already has a funding relationship with municipalities, therefore there is no need for this additional transitional period as the motion asks us to do.

Mr Marchese: So there's no need because if there's a shortfall, if they find themselves paying more all of a sudden, you're saying that either it won't happen or that somehow that will be solved?

Mr Hudak: The same arguments, Chair.

Mr Marchese: What argument? I'm not understanding it.

Mr Hudak: To be consistent with the principles of the bill on funding relationships that municipalities would take in full funding of public health January 1, 1998, we already have — I don't see the need for an additional transition period as this motion asks us to do, especially given that we already have a strong relationship with public health units across the province.

Mr Gerretsen: Mr Chair, we are only talking about an additional transition period as it relates to the finances, that if the finances turn out to be not what you have stated they will be to municipalities, they in effect will be in a revenue-neutral exercise.

I might just add that, yes, municipalities have been involved in the funding of this, but it's basically been in a forced situation. They did not on a one-to-one basis decide how much money to give to each board of health. Basically the board of health itself, which is made up of representatives from many different municipalities, has always decided as to what the budget would be, and then municipalities had to pay it whether they liked it or not. Remember, they were only paying 20%. You're now asking them to pay 100%, so the situation is totally different, Mr Hudak.

Mr Carroll: Just a point of clarification, Mr Chair. Nobody ever made any kind of commitment that public health was revenue-neutral. What could it be revenue-neutral with? There was a package of services being exchanged, the package of which is to be revenue-neutral. To say that public health is to be revenue-neutral is a very

moot point, because what can it be revenue-neutral with? We believe that most municipalities will have some opportunities in the delivery of these additional services to find some efficiencies and actually save some money so they can reduce taxes to the property taxpayer.

Mr Marchese: So they won't even have to worry because presumably they will find efficiencies yet, there won't even be shortfalls. There will be efficiencies to even reduce their bill. Is that more or less correct, Mr Carroll?

Mr Carroll: I didn't quite understand the comment.

Mr Marchese: We are worried because the health bill is going to be higher —

Mr Carroll: I told you you worry too much.

Mr Marchese: You're saying I worry too much; don't worry. There are several things that will happen. First of all, the municipalities will deal with it one way or the other, right? The money will be there, and if it isn't there, they'll find efficiencies.

What that word means to me is that they're going to have to cut somewhere. That's really what we're faced with, and part of this motion is to deal with that eventuality, that if the bills are higher than we expected or higher than they were, you guys are going to be there to help them out.

You're saying: "We didn't say we were going to be revenue-neutral in this. We didn't say we would pay them more if they were going to have a higher bill." You're saying, "This is their problem now. That's why we're downloading it, and if they've got a problem, they'll have to find efficiencies," meaning they've got to cut services.

Have I more or less interpreted your comments correctly?

Mr Carroll: Not at all.

Mr Marchese: So maybe you could reinterpret them for me.

Mr Carroll: All I said was, public health is part of a package. We never made any kind of commitment that public health would be revenue-neutral. Revenue-neutral with what?

Mr Marchese: No commitment. So if they have higher costs —

Mr Carroll: You equate efficiencies with cuts.

Mr Marchese: I don't equate anything.

Mr Carroll: We have a basic, fundamental difference of opinion on that particular thing, Mr Marchese, because I don't believe that cuts and efficiencies are necessarily the only options available. You say that to find efficiencies, the municipalities have to cut. I believe they can find efficiencies and actually deliver better services, so we have a fundamental disagreement.

You worry a lot about the bill. I say, don't worry so much. With this particular case, public health will, as with all the other programs, be transferred as of January 1, 1998. We have a package of services that, taken together, we've made a commitment about.

Mr Marchese: Mr Carroll, I'm happy that the general public which is listening to you will feel relieved that you said that —

Mr Carroll: I'm sure they will.

Mr Marchese: — because now they won't worry. That's good.

Mr Carroll: Good.

Mr Gerretsen: I wasn't going to get into this argument or debate about who should be paying for it, but since the parliamentary assistant has raised it and now Mr Carroll has raised it — there must be an association of parliamentary assistants; they seem to be singing from the same hymnal.

Interjection: There is not.

Mr Gerretsen: There is not an association. Maybe we should form an association of parliamentary assistants. But the point is, municipal council —

Mr Hardeman: You'd be banned.

Mr Marchese: Me too.

Mr Gerretsen: I'd be banned, he says. Well, yes, I'm not a parliamentary assistant, so I guess they wouldn't allow me to come to their meetings. Maybe if they did sometimes, you know, bring some other people into that association —

Mr Marchese: Fresh blood.

Mr Gerretsen: — we could collectively put some pressure on —

The Chair: I know were getting towards the end of the day, but perhaps we could stay with Bill 152.

Mr Gerretsen: The point is this: All health services in this province are funded by the province, with the exception now of public health. Public health is going to be funded at the local level. It will be the only health service that will be funded at the local level. We all know — and we have Mr Hastings here, who is a former councillor in Etobicoke; Mr Hardeman, who was a reeve of Oxford township or —

Interjection.

Mr Gerretsen: He was the warden of the county, a very important man. They know that municipalities have many things to think about. They have to think, for example, about all the roads that have been downloaded on to them. They have to look after all the usual public services in each municipality. Now they're also going to have to fund 100% of the health services, which everybody has said is the wrong thing to do.

Your own Mr Crombie, who was hired by the Premier because he was such an esteemed expert in municipal matters, has said: "You're doing the wrong thing. Do not download health services on the local municipality." It's been done.

1720

Mr Carroll basically says, "We never said it would be revenue-neutral." You gave a figure to all the municipalities as to what the health services that were being downloaded were going to cost. I've forgotten the exact number. I'm not sure; I believe it was \$225 million.

What I'm asking from you, Mr Carroll, because municipalities will be involved in these greater efficiencies that you're talking about: Will you give a commitment right here and now that if the total bill for all of the health units clear-cut across this province exceeds \$225 million, you in effect will have the government of Ontario ante up

the difference? That's what we're talking about here. We want to make sure that public health will continue to be a main focus in the province of Ontario, which it has always been. Public health is not sort of an add-on, that when you've dealt with all of the other hard-core services, now you can deal with the public health matters as well. It seems that the province of Ontario is basically saying it's not as important a service as many of the other services that you're funding to 100% of the cost.

Public health is an extremely important educational tool and it's an extremely important preventive tool in each one of our local municipalities, so why are you downloading it? Secondly, since you are downloading it, why aren't you committing to the fact that if the actual bill ends up to be more than \$225 million for the entire province, you will ante up the difference to make sure the people of Ontario will have the best possible public health available to them in this province? Why aren't you doing that? Would you answer that, Mr Carroll?

The Chair: Questions? Comments? Debate?

Mr Carroll: One quick comment to finish this discussion, because we've gotten well off what we came here to discuss.

Mr Gerretsen: We're discussing the public health of the people of Ontario.

Mr Carroll: I have all the confidence in the world that the municipalities of our province, working within provincially mandated guidelines, will be able to deliver public health to the people of Ontario just exactly as well as or even better than is currently being done. I have all that confidence and I have no doubts that will happen beginning next year.

Mr Marchese: That will be done in a similar fashion as Mr Mel Lastman: no tax increases, because he can do it and he never lies; secondly, he can do it without it cutting services because people will be more efficient. Is that more or less correct, Mr Carroll? Am I interpreting it correctly, more or less?

Mr Carroll: I think the comments that I've made outline my position.

Mr Marchese: Okay. All in favour of my amendment? Recorded vote.

The Chair: I think I'll have to do that. I'll first find out if there is any further debate.

Mr Hardeman: I think it bears repeating that the functions of the boards of health in the province of Ontario are not presently performed by the province; they are local boards of health. At least in my community, the majority of the members of the board of health are locally elected officials who are making those decisions. I would point out that presently the budgets are funded a percentage by the province and a percentage by the municipality.

Mr Marchese: So 75% province —

Mr Hardeman: Yes, 75-25 presently. I would suggest, as Mr Gerretsen mentioned earlier, the approval of the budget is done that way, having been on the board of health for a number of years. In fact, the board of health sets the budget and sends that part that is provincially funded to the province for their approval. If at the end of

the year they do not stay within that budget, they will have to come up with some more money. There is not necessarily a guarantee that the province makes up the difference if there is a need for more money for the programs than they budgeted.

As we look at the transfer and the realignment of services between the province and municipalities, I believe that service that municipalities have been providing through their boards of health for quite a number of years is an appropriate one to carry on. In the delivery of that service, I do not see a major change in the function. I believe they will carry on providing adequate public health services, so I support the bill.

Mr Marchese: Let's get on with the vote.

The Chair: Be patient, Mr Marchese. We have some more debate.

Mr Gerretsen: I would like Mr Hardeman to tell me, first of all, how he's going to force municipalities in effect to pay up their ante and, number two, how the percentage is going to be decided upon as of January 1 in a situation where you've got a multi-township or municipal board of health. You think this will all happen by January 1.

Mr Hardeman: The reason for the bill is to provide the opportunity for municipalities to find joint funding. I would point out that in all cases where presently we have joint boards of health, they presently have a mechanism to share their part of that service now, so it is just an extension of that cost to the municipality, and we'll wait and see.

Mr Marchese: All in favour of my amendment on a recorded vote?

The Chair: You'll have to be patient, Mr Marchese. I'm going to ask if there's any further debate. There being none, all in favour of Mr Marchese's motion?

Mr Marchese: Recorded vote.

Ayes

Gerretsen, Marchese.

Nays

Carroll, Hardeman, Hastings, Hudak.

The Chair: The motion fails.

All those in favour of section 8? All those opposed? Section 8 carries.

All those in favour of sections 9 and 10? All those opposed? Sections 9 and 10 carry.

Mr Marchese, I trust you are withdrawing —

Mr Marchese: I'm a bit tired, Mr Chair.

The Chair: I'm sorry about that.

Mr Marchese: I'm going to withdraw that.

The Chair: With that, all those in favour — Mr Hudak, debate on section 11?

Mr Hudak: I would suggest that Mr Marchese, despite the fact that it may be ruled out of order, has a good suggestion here. I'll give him the benefit of his superior suggestion. I would recommend that the government vote against section 11.

The Chair: Section which?

Mr Hudak: Section 11 of schedule D.

Mr Marchese: Could you bring us to that page, Mr Chair? What page are we on of the act?

The Chair: We are voting on section 11, Mr Marchese, which is page 58 of the package, which I've already deemed out of order. We're debating section 11.

Mr Marchese: Mr Chair, we have unanimous consent here, it appears. These members here want to bring this section back. Let's do that.

The Chair: No, Mr Marchese. We're voting on section 11, yay or nay. Is there debate on section 11?

All those in favour of —

Mr Gerretsen: I just want to make sure that what I'm understanding here is correct. Section 11 says that subsection 81(3) of the act is repealed. The amendment states that the New Democratic Party recommends voting against section 11 of schedule D. Now Mr Hudak is saying that he wants his own caucus to vote against that.

The Chair: Mr Marchese has withdrawn that proposal.

Mr Gerretsen: Okay. So we're then left with Mr Hudak recommending to his other caucus members — and obviously they're going to listen to him because he's the parliamentary assistant — that they vote against repealing subsection 81(3).

The Chair: I'm not too sure what Mr Hudak has said.

Mr Marchese: Did you move that, Mr Hudak?

The Chair: All I'm saying is, we're debating section 11 and we're going to have a vote soon.

Mr Gerretsen: All right. I would, through you, like to ask him a question. What does subsection 81(3) of the act currently say, Mr Hudak, since you're against repealing it?

Mr Hudak: Just to clarify for people watching us, I think Mr Marchese of the NDP had a good idea when he brought forward this amendment, and we recognize that, being very fair and open and reasonable. I know the amendment was out of order. All the same, I'd recommend to members of the committee to vote against section 11 of schedule D. I'll ask Ms Henderson to explain what that would mean.

Mr Gerretsen: I'd prefer to hear from you what 81(3) says.

Ms Henderson: Subsection 81(3) of the act provides that the chief medical officer of health shall keep himself or herself informed in respect of matters related to occupational and environmental health.

Mr Gerretsen: I think he should.

Interjection: We all agree.

The Chair: We seem to be all in agreement on this. Perhaps we should have a vote.

Mr Gerretsen: So why did you recommend, over the objection of Mr Hudak, that your own caucus vote against this reasonable suggestion to leave it in the act?

The Chair: Is the committee ready to vote on section 11?

Mr Carroll: Yes.

Mr Hastings: Recorded vote.

The Chair: You're asking for a recorded vote? All those in favour of section 11? There being none, all those opposed?

Nays

Carroll, Gerretsen, Hardeman, Hastings, Hudak, Marchese.

The Chair: Section 11 has carried.

We are now on to page 59.

I'm sorry. The clerk has corrected me. Section 11 has been defeated. I said it was carried and I apologize for that. Section 11 is defeated. So we're now on to page 59.

Mr Marchese: Section 12 of schedule D, sections 82, 83, 84, 85 and 86 of the Health Protection and Promotion Act:

I move that sections 82, 83, 84, 85 and 86 of the Health Protection and Promotion Act, as set out in section 12 of schedule D to the bill, be amended by striking out "minister" wherever it occurs and substituting "chief medical officer of health."

This motion reasserts the role for purposes of public accountability of the chief medical officer of health. It has the effect of establishing a medical officer in charge of public health in the province. This bill changes the role of government as one of diplomacy between the two levels of government and the minister and may be inhibited by the act to protect health because of political interference. This requires the minister to act on the advice of the chief medical officer of health.

The Chair: Debate?

Mr Hudak: Subsection 86(3) of the act gives the minister complete authority to give the chief medical officer of health the authority to exercise any power vested in the minister under the sections listed in Mr Marchese's motion. That already exists, and I would argue that the accountability should rest then with the duly elected Minister of Health as opposed to automatically putting it at the CMOH level.

1730

Mr Marchese: Chair, do I understand him to say that what I am proposing is already there in legislation or through the powers of the minister? Is that what I understand you are saying?

Mr Hudak: Section 86.3 allows the minister to designate the chief medical officer of health to carry out those functions listed in your motion.

Mr Marchese: Do you have any problem with the amendment that I'm proposing? If it's already there or has that power to do so, do you find this objectionable or unreasonable?

Mr Hudak: I do not recommend supporting the motion because I think the accountability should rest with the minister, and the minister, if she chooses, can designate the CMOH to carry out those functions.

Mr Marchese: But you don't want that chief medical officer of health to have that power.

Mr Hudak: As I've said, I think the responsibility and accountability should lie with the elected official, and she could authorize it to the CMOH if she chose.

Mr Gerretsen: The question that I have then is whether Mr Hudak believes the same principle should apply to the health restructuring commission and that maybe the minister should take the responsibility rather than setting up a commission to do his dirty work. Does he feel exactly the same way about it in that case? I would like him to state so, that he believes that the responsibility should rest with the minister and not with the health restructuring commission.

The Chair: I don't know whether we're on topic or not. We're a little off, I think.

Mr Hudak: Chair, I've made my points on Mr Marchese's motion as it stands.

Mr Marchese: I truly believe that the chief medical officer of health should have this kind of responsibility, as opposed to leaving this matter to the minister. Public accountability through the chief medical officer is something that I find important. I would trust the chief medical officer of health to be able to do the right thing in any matter that connects to public health. I place my trust in that individual. I shouldn't have to worry about having the minister act or not act depending on whatever political influence there might be or political interference, one way or the other. The chief medical officer would have that power and would be accountable in his or her own way to the general public, in ways that I don't believe we often get out of ministers or governments. That is my view. It's quite different from Mr Hudak's, quite clearly, but they are two different philosophical approaches to this issue. There's no doubt about that.

The Chair: Debate?

Mr Marchese: A recorded vote, Mr Chair.

Ayes

Gerretsen, Marchese.

Nays

Carroll, Hardeman, Hastings, Hudak.

The Chair: That motion fails.

We are on page 60, which is a government motion.

Mr Carroll: I move that subsection 82(1) of the Health Protection and Promotion Act, as set out in section 12 of schedule D to the bill, be amended by striking out "may" in the first line and substituting "shall."

Mr Hudak: This motion is in response to what we heard on the committee from ALPHA, the Association of Local Public Health Agencies, that represents boards of health across the province. They feel that the "may" should be turned into "shall," which we agree with. Assessors, as we'll get to later, are appointed to ascertain that the board is complying in all respects in public health programs that are mandatory. This responds to ALPHA's concerns.

Mr Gerretsen: I'm glad that the government's taking that position, because we had an amendment to a similar effect. I would like to think that you read our amendment first and then decided that it was such a good idea, in addition to the representations that were made to you, and as a result of that you've taken some good ideas from the opposition and actually implemented them in your own piece of legislation.

Mr Hudak: I think Mr Gerretsen has a good point, and as we've passed an amendment Mr Sergio has brought forward and one that Mr Marchese has brought forward, so too Mr Gerretsen's advice has been helpful in bringing this motion forward and I hope he'll support the government's motion.

Mr Gerretsen: I will.

Mr Marchese: We find the language better, clearly. It still doesn't deal with my problems of stating that if the power resided in the chief medical officer, I would feel a lot better in terms of that individual responding quickly to a public health problem. If there is a public health problem, the chief medical officer would act immediately. It would not require the approval, necessarily, of anybody. It would be that person's responsibility to act and to act quickly. This changing of language "may" to "shall" is useful, but it's still not quite clear who's going to let the minister know that there's a problem. I presume that if ever there is an emergency and/or a serious problem, somehow it will come out, but how will that information flow to the minister?

Mr Hudak: I made my points on this particular motion. I think we'll get to the role of the assessors —

Mr Marchese: I'm raising a different point, though.

Mr Hudak: We'll get to the role of the assessors in some subsequent motions. Do you want to deal with it then or would you like Dr Mowat to answer now?

Mr Marchese: Raise it now and then you can raise it later.

Dr Mowat: Perhaps I could ask whether your question is about assessors or you are also talking about public health hazards.

The Chair: I'd like someone to tell me, I'm not too sure, whether we're exactly on topic with respect to this motion.

Mr Hudak: That was the point I was just trying to make, Chair.

The Chair: Mr Marchese, I wonder if you're premature in your questions. We're dealing with the government motion on page 60 and I don't understand what your question is.

Mr Marchese: I'm there. I thought my question was clear in terms of —

The Chair: It was clear but it may be irrelevant as far as this motion is concerned.

Mr Marchese: This requires the minister to act when there's a perceived danger to public health, from "may" to "shall."

Dr Mowat: This section concerns the appointment of assessors and the appointment of assessors concerns whether or not a board of health is providing the health

programs and services laid out in the regulations. The issue of whether there's a hazard at any time to the health of the public is another issue. This merely says that the minister shall appoint assessors —

Mr Marchese: As opposed to "may" appoint assessors.

Dr Mowat: Yes.

The Chair: Further debate? Further questions? All in favour of this motion? Opposed? This motion is carried.

Mr Gerretsen, I trust you're withdrawing page 61; it's out of order. It's the same motion.

Mr Gerretsen: Yes, that's correct.

The Chair: We're on to page 62, which is a New Democratic motion.

Mr Marchese: I move that subsection 82(1) of the Health Protection and Promotion Act, as set out in section 12 of schedule D to the bill, be struck out and the following substituted:

"Assessors

"82(1) The minister shall, on the recommendation of the chief medical officer of health, appoint assessors for the purposes of this act."

It is our view that this is a better approach or a better way to go. You would have the chief medical officer be empowered in a way that he or she determines the appointment of an assessor when there is a problem to be reviewed. We see that as a better way to go than what this government's proposing.

The Chair: Further debate?

Mr Hardeman: I maybe have lost it too, but I'm wondering if this is out of order. I wonder how the minister could follow what was in the previous amendment, where the minister shall appoint assessors, how would he deal with that if no medical officer of health recommended it? Then he could not comply with the law. I would think that this is out of order.

Mr Marchese: Let me just try to be clear here. What the amendments do is to have the minister appoint an assessor. We are proposing through this motion that the chief medical officer appoint assessors, and that's the way the minister gets the information, through that process.

Mr Hudak: I think the motion, as Mr Hardeman said, is a little confusing. We've already passed motions to say that assessors shall be appointed, which deals with the concerns of ALPHA and Mr Gerretsen's motion as well. I think Mr Hardeman has some good points and I do not support this motion.

Mr Marchese: I don't understand Mr Hudak's logic. Mr Chair, hold on, please.

The Chair: If we're talking about whether it's in order, I believe it is in order, but we're going to continue the debate.

Mr Carroll: I think I can clarify. What this would do, Mr Marchese, would be to restrict the minister to only be able to act if it was recommended by a chief medical officer of health. We think that's too restrictive.

1740

Mr Marchese: That's interesting. I don't think it is. Mr Hudak argues that Mr Hardeman's arguments were

quite clear by saying that this is out of order. I'm glad the Chair moved that it's not. It's a different point. It's a different line of reporting. You're arguing that the minister should have the power to appoint an assessor based on a perceived problem somewhere and they will pick up that problem. The minister will pick up a problem somewhere, then appoint an assessor. We're saying the chief medical officer is likely to have a better handle on a health problem, in which case he or she would appoint an assessor. Based on that, the minister would then be forced to act one way or the other. They're two different approaches in terms of how information is gotten and how it gets to the minister.

Mr Carroll: If I could maybe shed some light on it, the situation was that the requirement to have an assessor was because the chief medical officer of health was not performing his duties properly. How would the minister have the power to appoint an assessor if it had to be on the recommendation of a chief medical officer of health?

Mr Marchese: I've never heard of that. Is that the case?

Mr Carroll: If the reason for an assessor — the minister can only act on the recommendation of a chief medical officer of health. If the chief medical officer of health had died or was sick or was the problem, the minister's hands are tied because he has to have a recommendation from the chief medical officer of health. It's very restrictive.

Mr Marchese: The way you have it at the moment, I'm not clear how the minister gets information about a public health problem. That's the problem I've got.

Mr Carroll: Lots of ways.

Mr Marchese: Lots of ways you're saying; that's what I was asking. How do you get it?

Mr Hudak: I think Dr Mowat earlier had said that he would respond to Mr Marchese's question about how the Minister of Health receives information. I think that's what he's getting at. Perhaps to settle this issue, Dr Mowat could address it.

Mr Marchese: That was the previous question, not the present amendment that I've got.

Dr Mowat: The act will allow for the minister to require that boards of health provide information on request. It's envisioned that this will consist of a regular reporting system. This will be developed so that each board of health will, on an annual basis, provide statistical information concerning its health programs and services to the ministry. On the basis of this, there will be a monitoring system so that if a possible non-compliance with the health programs and services guidelines is suspected, this would be the information that the minister would require to cause him to appoint assessors.

Mr Marchese: I understand that.

Mr Gerretsen: Do I understand it — I do have a point — that the minister will appoint an assessor at all times?

Ms Henderson: The amendment provides currently — after this vote — that the minister shall appoint assessors for the purposes of this act. As has been pointed out, this is a mandatory provision. It speaks for itself.

Mr Gerretsen: The question is: Under what circumstances would it become mandatory? That's really the issue here.

Ms Henderson: The interpretation I have on a mandatory requirement on a minister or some other official, whatever person is named in the provision, is that it requires the duty to be fulfilled.

Mr Gerretsen: There will always be assessors appointed by the minister.

Ms Henderson: That's the way this provision reads to me.

Mr Marchese: I still have the same view of things as I have been trying to present here. All of you seem to have another, quite clearly. My view is that the chief medical officer is closer to public health issues than the minister ever will be. The doctor says the board of health will provide information on request. I understand that; "on request" meaning that the minister from time to time may discover there's a problem and the minister will request information, and they will provide it. He also says there will be a regular reporting system. So if there's a problem, they might detect it, and then the minister will act.

The point of my amendment is that my view is that the chief medical officer of health will always be on top of the issues and aware of the issues much more quickly than the minister is ever likely to be. Because of that, he or she should have that power to be able to appoint an assessor, who would then presumably, through that connection, report to the minister based on that. I see that as giving the chief medical officer a place, more autonomy and more power to be able to deal with public health issues in a much more expeditious and timely manner. Clearly, that's not the view of these members, so we should move on to a vote, a recorded vote.

The Chair: A recorded vote.

Ayes

Marchese.

Nays

Carroll, Gerretsen, Hardeman, Hastings, Hudak.

The Chair: This motion is defeated.

We are proceeding to page 63, which is a Liberal proposal.

Mr Gerretsen: I move that subsection 82(3) of the Health Protection and Promotion Act, as set out in section 12 of schedule D to the bill, be amended by striking out "may carry out an assessment of a board of health" and substituting "shall carry out assessments of local boards of health."

It's my understanding that many presenters raised this issue during the public presentations and that Bill 152 doesn't really contain a strong enough regulatory framework to ensure that municipalities were monitored under their new public health responsibilities.

The Chair: Debate? All those in favour of this motion? Opposed? This motion fails.

We're moving on to page 64, which is another Liberal proposal.

Mr Gerretsen: Since the last one didn't work, maybe this one will. There's always hope, although sometimes it's very fleeting.

The Chair: Please proceed.

Mr Gerretsen: Schedule D to the bill to be amended as follows: I move that subsection 86.2(1) of the Health Protection and Promotion Act, as set out in section 12 of schedule D to the bill, be struck out and the following substituted:

"Request to board of health for information

"86.2(1) The minister shall request each board of health and medical officer of health to provide regular reports on the health of the population within the jurisdiction of the board of health and on the board's compliance with public health program and service standards."

Again, many presenters voiced this. There is a concern out there that if it's going to be completely under local control — although I'm a great believer in local government, as I know some of the government members are and indeed perhaps Mr Marchese as well; I'm sure he believes in local government as well — although they will try to do a good job, the best job possible, there are many conflicting responsibilities that local councils will have, especially with the downloading that has been happening and with the tremendous pressure there will be to provide the best kind of services with the limited tax dollars local municipalities will have. This ensures that there is some overseeing body and organization to make sure that in effect the public health of the people of Ontario is properly looked after by the local boards of health.

Mr Hudak: I do not support the motion. The motion requires separate reports from both the board and the medical officer of health. It seems like duplication. If Mr Gerretsen's concern is about the independence of the medical officer of health, he would know too from the act that the medical officer's position is protected because any change, firing or hiring a new medical officer of health, requires the Minister of Health's approval.

Mr Gerretsen: But with all due respect, there are many other issues that take place within a local health board that have nothing to do directly with whether a medical officer of health should or should not be fired. If that's the only place where the minister's going to get involved, then we can look forward to a pretty sad state of affairs as far as public health is concerned.

1750

The total concern here, and you're going to get this whenever you're going through drastic change, is that there's a sufficient number of people out there — people in general, special-interest groups and what have you — that public health will simply no longer play as prominent a role within the Ontario community as it currently has when you change the funding to 100% local funding. That's what we're addressing. All we're asking the government to do is give the people of Ontario some further assurances that the public health of this province, as delivered by the different health units, will not be affected in a

negative way as a result of these changes. That's what the people are asking for.

Is it too much to ask that the government can even address that one issue: "Yes, we will make sure the public health of the people of Ontario will be protected by having an overseeing role by the province for a certain period of time"? If you can't deal with that, I'm afraid the kinds of changes that are going to take place not only in public health but in ambulance care and many of the other issues that we've talked about — people are truly concerned about that. They would feel a lot better if there was some sort of overseeing role, perhaps for a very limited period of time, by the province. Why don't you address that?

Mr Hudak: To respond to Mr Gerretsen's question, as you know from reading through the act and from the motion we passed today, a great number of mechanisms are available to the Minister of Health and the assessors to ensure that the high standard of public health programs that we have in the province will continue to be delivered in the future and enhanced. Maybe for some edification I'll ask Dr Mowat to talk about some particular aspects of the bill that enable us to do that.

Dr Mowat: I'll refresh your memory about the provisions that the government is committed to putting in place to monitor compliance with the standards for the delivery of public health services and programs, which will be set out in the revised guidelines. There will be a standard set out in detail giving the types and levels of service for public health which must be delivered.

There will be a system put in place to obtain information from health units on a regular basis pertaining to their compliance with the standards.

There will be a provision for the minister to appoint assessors and for those assessors to further investigate compliance with the standards when it is thought there will be a problem.

Lastly, there's a whole section of the act which will deal with enforcement. There are a number of ways of doing that. In particular there will be powers given to the minister, where there is perceived to be an immediate threat to the health of the public because of failure to deliver services, for the minister to step in and ensure that those services are delivered and the threat to public health dealt with.

Mr Gerretsen: For the sake of the people of Ontario, Doctor, I hope you're right.

Mr Hastings: I think the proposal here by Mr Gerretsen is a prime illustration of duplication, because even if you passed it and you required MOHs and the chief MOH to supply a report on the overall state of public health, I don't think that would guarantee in any way, shape or form independence of the office, or furthermore that the public is going to be any more informed or clued in than it would be under specific indicators in other ways.

For example, it seems to me that under the communicable diseases act of the province, if there is an outbreak of TB or something like that, then that MOH or the CMOH is going to do what is required by that legislation to ensure that standards are adhered to and actions are taken to prevent or contain or seize upon or reduce the outbreak of TB, or whatever the communicable disease is. There are other such respective statutes that the CMOH is responsible for and reports to.

It seems to me it's just another example of doing something to give the appearance that somehow or other it's increasing information to the people who are interested in public health in Ontario. I can't see in any way, shape or form how it does enhance the independence of the MOH, the CMOH or for that matter makes people more informed than the conventional ways do.

Mr Carroll: Mr Chairman, I'd like to make note of the fact that it's past 6 o'clock.

The Chair: It is indeed.

Mr Gerretsen: I think that clock's fast.

Mr Marchese: I've got five to 6.

The Chair: The Chair has the same time as that clock, Mr Marchese. It has been drawn to my attention that we have passed 6 of the clock. Unless members wish to vote on this — if there is to be further debate, I will be adjourning the proceedings. If you wish to vote —

Mr Hudak: Mr Chair, could I make a request of the committee — I'm not sure if it's in order or not — for Ms Henderson and Dr Mowat, who have dedicated a lot of their time to the hearings today and have a lot of other duties they need to perform — may I suggest that we finish the public health amendments, if we have the time to do so, so they can go about their other duties instead of having to report back to finish —

The Chair: If everyone agrees —

Mr Marchese: No, Mr Chair, actually I need to leave, and I wanted to make some points on this.

The Chair: So you wish to delay the debate on this for another time, Mr Marchese?

Mr Marchese: Yes. Tomorrow morning at 9?

The Chair: I don't think so. I'm going to adjourn these proceedings. We will have to again continue debate on Mr Gerretsen's resolution on page 64.

Mr Gerretsen: I move the question on that. I don't think there is any further debate on that.

Mr Marchese: I was on the list to ask a few questions. Is this the last matter for them? No, there are other matters for these people.

The Chair: Mr Marchese has indicated he wishes further debate. I will adjourn the debate on this topic until the next session, which will be at the first regularly scheduled meeting following the recess at 10 am. The meeting is adjourned.

The committee adjourned at 1758.

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Also taking part / Autres participants et participantes:

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Mr Dennis Brown, counsel, crown law office civil, ATG

Mr William Gregson, operations division, MOE

Mr Bryan Kozman, senior policy adviser, housing development and buildings branch, MOMAH

Mr Jeff Levitt, senior counsel, legal branch, MOMAH

Mr Leo FitzPatrick, counsel, legal services branch, MOE

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Ms Christine Henderson, counsel, legal services branch, MOH

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Official Report of Debates (Hansard)

Thursday 20 November 1997
Thursday 4 December 1997

Journal des débats (Hansard)

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**Standing committee on
general government**

**Comité permanent des
affaires gouvernementales**

Services Improvement Act, 1997

Loi de 1997 sur l'amélioration
des services

Election of Chair
Appointment of subcommittee

Élection du Chair
Nomination des membres
du sous-comité

Chair: David Tilson
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 20 November 1997

Jeudi 20 novembre 1997

The committee met at 1010 in committee room 1.

SERVICES IMPROVEMENT ACT, 1997

LOI DE 1997 SUR L'AMÉLIORATION
DES SERVICES

Consideration of Bill 152, An Act to improve Services, increase Efficiency and benefit Taxpayers by eliminating Duplication and reallocating Responsibilities between Provincial and Municipal Governments in various areas and to implement other aspects of the Government's "Who Does What" Agenda / Projet de loi 152, Loi visant à améliorer les services, à accroître l'efficacité et à procurer des avantages aux contribuables en éliminant le double emploi et en redistribuant les responsabilités entre le gouvernement provincial et les municipalités dans divers secteurs et visant à mettre en oeuvre d'autres aspects du programme «Qui fait quoi» du gouvernement.

The Chair (Mr David Tilson): Ladies and gentlemen, good morning to you all. We are reviewing the Services Improvement Act, in clause-by-clause discussion. We finished off on page 64 of the amendments.

Before we commence, I'm going to read to you one of the clauses of the time allocation motion just to remind you all:

"At 5 pm on the second day," which is today, "of clause-by-clause deliberations, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. Any divisions required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a)."

As I indicated, we are in the middle of an amendment which was put forward by the Liberal caucus, which is on page 64. Further debate?

Mr Mike Colle (Oakwood): Just to reiterate why we've put forth this amendment, as you know, one of the concerns expressed by the Association of Local Public Health Agencies was the reporting under this bill. Section 86.2 said the minister may request the board of health to provide such information. It's essentially voluntary and up

to certain individuals whether or not they want to have these reports.

This amendment we're putting forward is essentially an attempt to contain a stronger regulatory framework to ensure municipalities are monitored and checked. As you know, there's much more independence given to the municipalities in these new health responsibilities. This would be again a much more foolproof way of ensuring they were keeping up to provincial standards. Ensuring that these reports were regular and that these reports were mandatory would help to ensure that the municipalities were working under provincial frameworks.

That's the intent of this motion. It's done, as I said, in follow-up to the Association of Local Public Health Agencies, who thought that this would be a good way of ensuring there would be some kind of standard across the province, that this would help towards that end.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion fails.

Now we have a New Democratic motion, but we have a problem. The next two amendments are New Democratic motions, on pages 65 and 66. Ms Churley is present but is not substituted, so I'm afraid she can't move a motion. We have some choices. We can pass them by. We can, second, ask for unanimous consent that this section be deferred until presumably Mr Marchese —

Ms Marilyn Churley (Riverdale): He got delayed. He's on his way, so I'd appreciate that.

The Chair: I understand. Unanimous consent that these next two motions and the voting on section 12 be deferred? Any opposition to that? Seeing none, section 12 and the two motions by the New Democratic caucus are deferred.

All those in favour of section 13? Opposed? Section 13 carries.

We are on to section 14. There is a proposed amendment by the government.

Mr Jack Carroll (Chatham-Kent): I move that subsection 14(1) of schedule D to the bill be amended by striking out "clause" in the second line and substituting "clauses" and by adding the following clause after clause 96(5)(i) of the act:

"(j) providing that section 72 does not apply to all or part of the expenses referred to in subsection 72(1) in respect of one or more boards of health and their medical officers of health, prescribing the expenses and the boards of health to which section 72 does not apply and the

circumstances or time period in which section 72 does not apply, and providing in the place of section 72 a different scheme for the payment of such expenses."

Mr Tim Hudak (Niagara South): For the purpose of Hansard, joining me again today are Dr David Mowat, the chief medical officer of health, and Joanne Gottheil, from the legal services branch of the ministry.

To speak to the government motion, Bill 152 as it currently stands does not provide for the sharing of expenses among boards of health. This motion will allow for regulation-making power to permit such a thing as equalization of payments within the GTA, and therefore I recommend voting in favour of this motion.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion is carried.

We are on to page 68, which is a government motion.

Mr Carroll: I move that subsection 14(2) of schedule D to the bill be amended by striking out "subsection" in the second line and substituting "subsections" and adding the following subsection before subsection 96(6) of the act:

"Regulation under clause (5)(j)

"(5.1) A regulation under clause (5)(j) may,

"(a) require that all or part of the expenses referred to in subsection 72(1) of two or more boards of health and their medical officers of health be shared among all or some of the municipalities in the health units served by the boards of health and prescribe the methods of calculating or the bases for determining the proportion of such expenses to be paid by each municipality that is required to share the expenses;

"(b) require a municipality in one health unit to pay all or part of the expenses referred to in subsection 72(1) of a board of health and medical officer of health of another health unit;

"(c) provide that a municipality is not responsible for any or part of the expenses referred to in subsection 72(1) of one or more boards of health and their medical officers of health;

"(d) provide for payment of the expenses referred to in subsection 72(1) by residents of territory without municipal organization, provide for the collection by the province of the amount which is the responsibility of the territory without municipal organization (including collection under the Provincial Land Tax Act), and provide for remittance by the province of the amount so collected to specified boards of health;

"(e) govern the processes of obtaining and making payment, including prescribing notices that must be given to the entities responsible for payment and prescribing the times at which and the manner in which payments must be made; and

"(f) provide for any matter for which section 72 provided."

Mr Hudak: This is a companion motion to the one we just passed. It provides the ability to share funding for a board of health among various municipalities whether or not they're in the same health unit, and to permit equalization of payments in the GTA. Second, it will deal with

payments by residents in unorganized territories. It's a companion piece to the previous motion, and I recommend supporting it.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion carries.

Good morning, Mr Marchese.

Mr Rosario Marchese (Fort York): Mr Chair, good morning, and my apologies.

The Chair: We have been waiting anxiously for you.

All those in favour of section 14, as amended? We're voting on section 14, as amended. We haven't returned to Mr Marchese yet. I just said good morning to him.

Mrs Julia Munro (Durham-York): Mr Chair, don't we have to do 14(2) before we —

Mr Carroll: We just did that.

Mrs Munro: Did we do both 14(1) and (2)? Okay. I'm sorry.

The Chair: All those in favour of section 14, as amended? Opposed? This motion carries.

Mr Marchese, the Liberal motion on page 64 failed. We have two motions, pages 65 and 66, which are New Democratic motions, and you are free to put those forward.

1020

Mr Marchese: Thank you, Mr Chair. I'd like to apologize for being late and to thank the members for standing our motions down until I arrived.

I move that section 86.3 of the Health Protection and Promotion Act, as set out in section 12 of schedule D to the bill, be amended by adding the following subsection:

"Report to minister

"(3) The chief medical officer of health shall report to the minister on matters relating to the provision of health programs and services and on any other matters relating to the powers and duties of the chief medical officer of health under this act."

I think that's self-explanatory.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion fails.

Mr Marchese, page 66 is a New Democratic motion.

Mr Marchese: I move that section 12 of schedule D to the bill be amended by adding the following section to the act before section 86.4:

"Examination of records by chief MOH

"86.3.1(1) The chief medical officer of health has the right to examine all bylaws, minutes and records of a board of health.

"Copies

"(2) A board of health shall provide the chief medical officer of health with a copy of any bylaw, minute or record requested by the chief medical officer of health.

"Delegation

"(3) The chief medical officer of health may delegate in writing his or her authority under subsections (1) or (2) to any person."

That too is self-explanatory.

The Chair: Yes. Further debate? All those in favour of this motion? Opposed? This motion fails.

All those in favour of section 12, as amended? Opposed? Section 12, as amended, is carried.

All those in favour of sections 15, 16, 17 and 18? Opposed? Sections 15, 16, 17 and 18 are carried.

Mr Marchese, on page 70 there is a proposed New Democratic motion. I am declaring that motion as an improper amendment and it is out of order, but you are free to debate section 19.

We are on to section 19. Is there debate on section 19?

All those in favour of section 19? Opposed? Section 19 is carried.

All those in favour of schedule D, as amended? Opposed? Schedule D, as amended, is carried.

We are now on to schedule E.

All those in favour of sections 1, 2 and 3? Opposed? Sections 1, 2 and 3 are carried.

Mr Marchese, there is a New Democratic motion on page 71 for section 4. I am declaring that motion out of order as well; it's an improper amendment.

Is there debate on section 4? All those in favour of section 4? All those opposed? Section 4 is carried.

All those in favour of schedule E? Opposed? Schedule E is carried.

We are now on to schedule F.

All those in favour of sections 1 and 2? Opposed? Sections 1 and 2 are carried.

Mr Marchese, there's a proposed amendment of the New Democratic Party on page 72.

Mr Marchese: I move that subsection 3(1) of the Social Housing Funding Act, 1997, as set out in schedule F of the bill, be struck out and the following substituted:

"Application of act

"3(1) This act applies in respect of provincial social housing costs incurred on and after the later of the following dates:

"1. January 1, 1998.

"2. The day the province of Ontario tables in the assembly the report of a study in respect of the current and future operating and capital costs of social housing conducted by a person or organization that is independent of the government of Ontario."

We believe the government should live up to Harris's promise to the large urban mayors that the government would commission an independent study of social housing costs. This they haven't done. We have asked for that repeatedly. We believe municipalities are entitled to that information. That is why we've proposed this amendment that would permit the government to do what it said it would do — at least permit Harris to do what he said he would do — and give municipalities the information they desperately need and have requested.

Mr Ernie Hardeman (Oxford): I'd just like to point out that the Who Does What or WDW process that the bill refers to is moving 50% of the education costs off the property tax starting January 1. The transfer of the social housing costs is part of that transfer. I think it would be inappropriate to not proceed with one part of the plan as it relates to the other part. The numbers and the processes have been relayed to municipalities and much discussion

has been ongoing. When the plan is put in place, the transfers are realigned and the funds earlier referred to in this committee hearing are put in place, we think it will balance and allay the concerns of the municipalities.

I would also point out that the process of cost of social housing — it's a movable cost. We are looking to find a more cost-effective way of administering that housing portfolio, and I think the transfer will be based on that cost as opposed to the cost that's being applied today.

I don't see a great advantage to having independent studies to look at those. I think our ministry and the government have quite capable staff to figure out the costs and to put them in proper proportions. I would recommend that we vote against this resolution.

The Chair: Mr Marchese, I thought you'd want to respond.

Mr Marchese: I wonder if I could ask a question before I make some remarks.

The Chair: You would disappoint me if you didn't respond.

Mr Marchese: Sure. Mr Hardeman talked about the costs of social housing being "movable" costs. Those are the direct words. What does that mean?

Mr Hardeman: I think the government and the municipalities jointly will be looking to find a more cost-effective way of delivering and administering the social housing costs and to make the operation of the social housing units in the province more efficient and cost-effective. It's not a flexible cost, but there are, I think, efficiencies to be found in how the programs are administered. I think that's part of the total transfers, to make sure we are finding the most cost-effective way of delivering the service.

Mr Marchese: I think I understand it now. He makes us feel so good, Mr Chair. They're working together with the municipalities; they have the figures. "We're going to make it more efficient. Everything's cool." I feel so good when the government members speak that way, because I get so really — Mr Carroll speaks about how concerned I am and how worried I am, and these members make me feel so at ease with the information they provide. I know that everybody out there in those communities is going to feel so good because now Mr Hardeman and the gang are making things more efficient and they're going to be working together. Again, I can't tell you how relieved I am to hear that.

Now, remember that the municipalities were really worried. They wanted a figure. The large urban mayors said, "Please give us the figures," so maybe there is some tension there. Perhaps they are not working as closely as they would like. Maybe I'm wrong. But I think Mr Hardeman must have relieved the mayors too that everything is okay. If there are any problems, don't worry; he'll fix it. If that's the case, I have nothing more to add, Mr Chair, because everything's going to be just fine. Isn't that right, Mr Carroll, more or less, give or take?

Mr Colle: "Trust us."

Mr Carroll: It's nice to see that you're not worrying as much any more.

Mr Marchese: No, I feel so much better today than yesterday. Thank you, Mr Hardeman.

1030

The Chair: Any further debate? All those in favour of this motion?

Mr Marchese: A recorded vote, please.

Ayes

Colle, Marchese.

Nays

Carroll, Hardeman, Hastings, Hudak, Munro.

The Chair: The motion fails.

Mr Marchese: What happened?

The Chair: All those in favour of section 3?

Mr Marchese: Record us as opposing the whole thing, Mr Chair.

The Chair: You want to record this vote as well?

Mr Marchese: No, no.

The Chair: All those in favour of section 3? All those opposed? Section 3 is carried.

There's a government motion on page 73, Mr Carroll.

Mr Carroll: Before I start this motion, I'd like to compliment Mr Marchese on his tie today.

Mr Marchese: It's green — somewhat.

Mr Carroll: It's a different shade.

I move that paragraphs 3, 4 and 5 of subsection 4(4) of the Social Housing Funding Act, 1997, as set out in schedule F to the bill, be struck out and the following substituted:

"3. Every city, town, township or village that does not form part of a regional municipality, a district municipality, a county or the county of Oxford for municipal purposes."

Mr Hardeman: This amendment is needed in order to clarify that the provincial social housing costs can be allocated to individual municipalities in northern Ontario. The government's intention is that the provincial social housing costs will be allocated to district welfare administration boards as of January 1, 1998, where they exist. Later on, the costs would likely be allocated to district social services administration boards as they are established under the Social Assistance Reform Act or to area service boards under legislation being considered by the Ministry of Northern Development and Mines. These boards would then recover the costs from participating municipalities through a cost-sharing process. Where no district welfare administrative boards exist on January 1, 1998, as is the case in some of the northern districts, the costs would be allocated directly to municipalities concerned. The proposed new paragraph 3 addresses this situation.

This amendment also removes specific reference in paragraph 5 of subsection (4) to the district social administrative boards as entities to which provincial social housing costs can be allocated. The provision is necessary

because paragraph 6 authorizes the allocation of social housing costs to prescribed boards with social services responsibility. District social service administration boards would be prescribed as such boards.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion is carried.

Mr Colle, there's a proposed Liberal motion on page 74.

Mr Colle: This is a motion that changes schedule F, that it be struck out and the following substituted; in essence, part 4 of schedule F —

The Chair: Mr Colle, you have to read the motion, please.

Mr Colle: I move that subsection 4(4) of schedule F to the bill, be struck out and the following substituted:

"Entities to whom amounts allocated

"4(4) The following are the entities referred to in subsection (3):

"1. The Ministry of Municipal Affairs and Housing.

"2. The Ministry of Finance."

The Chair: Rationale, please.

Mr Colle: My rationale is that, as you know, Bill 152, as highlighted in this section, apportions costs for social housing to local municipalities as part of the government downloading exercise. This fundamentally goes against what property taxes are all about. Property taxes were never intended to be taxes collected to maintain social services. Social housing is a social service, and property taxes never had that intention.

What subsection 4(4) does is reinforces intent of Bill 152, which downloads social housing across the province on to property taxpayers in every city, town and municipality in Ontario. As you know, the basic problem with that is that social housing is in greater need when the economy is in a downward spiral. That's when social housing demands increase dramatically, because when people are out of work, when the economy is in a downward spiral, there are more demands for assisted housing.

What happens with Bill 152 because of the downloading of this cost is that the very property taxpayers who may be out of work during a downward spiral in the economy are then going to be asked to have an increasing load on their property taxes for social housing. What happens is, you're punishing people who are probably least able to afford this because of the downturn in the economy: the property taxpayer. Then the person in need who has lost the job and has been forced to look for social housing, he or she or the family, won't be able to get proper housing, assisted housing, because you're going to have this confrontation between the property taxpayers and the unfortunate who are looking for social housing, so it's not tenable.

It may be a great way for the government to unload this massive cost to the property taxpayers and get it off their books, but it's not going to work. In cities like Metropolitan Toronto, Ottawa and Hamilton, and in Windsor, where there is a significant amount of social housing, we know what it means to fund social housing.

It's an enormous cost, not only the building but the maintenance, the infrastructure, the retrofitting that was supposed to be done and all the support services. To put this on property taxes is not tenable. It is fundamentally wrong in principle and in practice. David Crombie said it was fundamentally wrong in principle and in practice; even the Minister of Municipal Affairs said it shouldn't be done. But they're doing it out of some kind of physical convenience to I guess pay for the tax cut. It is fundamentally and in principle wrong.

There was no study ever produced by this ministry or this government that shows this is something that is sound from a housing perspective or from a financial perspective. It's not recommended by any of the experts in housing or any of the experts in social affairs and it's certainly not recommended by any of the property tax experts.

Paul Pagnuelo from the Canadian Taxpayers Federation, who is an advocate of property tax reconstitution, said it is fundamentally wrong to put social housing on property taxpayers across Ontario. This is something coming, again, from the right of the spectrum, from a property taxpayers' alliance, who says it's wrong. All the social housing advocates say it's wrong. The municipalities don't want it. The question is, where did this idea of down-loading these costs on to property taxpayers come from?

That is why the intention here is to put these costs back on to municipal affairs and housing and the Ministry of Finance, where they belong, on the provincial taxpayers. Housing does not belong on the local property taxpayers. Social housing belongs on an equitable, progressive income tax at the provincial and federal levels, not on the local. Therefore, that's the rationale of replacing section 4 with the two sections that allow the redirection of allocating amounts back to the upper tier or the provincial tier.

1040

Mr John Hastings (Etobicoke-Rexdale): It's interesting to listen to Mr Colle's remarks, but it recalls a little past history regarding Mr Nixon's budget of 1989 and the introduction of what I considered, when I was in local government, a fundamentally flawed invasion of the local property tax base. That was the commercial concentration tax.

If I recall, there were no impact studies made, there was no consultation about it; it was simply a fait accompli. The context may be a bit different here with this particular piece of legislation, but the history and the context of that particular move in that budget of 1989 certainly applies. You could almost take Mr Colle's remarks, take out the section he's referring to, the specific item of social housing, and fill in the blanks with the commercial concentration tax. Your only difference would be the time line, the way in which it was carried out and a lot of other things, and also no consultation that I can recall, not one nanosecond of consultation. It was just in a budget.

The local governments had to deal with that situation and we dealt with it. We worked with the province. I expect what will happen here is that there is going to be a

lot of hard work done by the municipalities in terms of how they ascertain what the benchmarks and best practices for cost-effectiveness are.

If you also reference back in the social context of social housing, a large amount of it, although financed by CMHC, or Central Mortgage and Housing, back during the war and afterwards, was in response to the folks coming home from the First World War, certainly the Second World War.

The social housing administrations of the day, if you go back and look at the social housing literature, clearly show that the local form of government was able to look after those types of, I guess it was victory housing built from 1945 through to 1952. They were able to do a very adequate job. The times have changed somewhat, the finances have changed somewhat but I have a lot of confidence that our local governments will be able to carry through and work on this particular challenge in concert with the Ontario government.

Mr Hardeman: I will not be supporting the motion. The title of the bill is to deal with the realignment of services with the provincial and municipal governments, and changing the form of paying for education obviously requires the transfer of other responsibilities and amenities to municipal government to make those transfers. I would point out that this is part of those transfers, and I think they should be implemented concurrently starting January 1. I would recommend not to support this motion.

Mr Marchese: Just some comments, because we have a lot of time and just a few pages left.

Mr Carroll: I'd hate to finish the bill.

Mr Marchese: No, we will. We could delay a little bit.

Mr Hastings: Were you watching the comedy channel last night or something?

Mr Marchese: I have to tell you, Mr Hastings, you guys are going to be remembered in history for this bill. There's no doubt about that. Bill 160 is another bill for which all of you will be remembered. There's no doubt about that. And the megacity too, but that's already gone. You've done it already.

Yes, we understand, Mr Hardeman, the reason you have to do this is because you're taking the education portion out of the property tax. We know that. But that's why you're going to be remembered. It is because of that this chaos is happening. If you had left the bloody thing alone, you wouldn't have to get involved in all this. If you had left education there, then you wouldn't have to transfer child care costs, welfare costs, housing costs, ambulance costs, public health costs, the \$220 million — you wouldn't have to do any of that. You could have just left the system alone. Why would you cause such a mess and be remembered for this chaos?

I know because you're taking education property taxes out, you've got to replace it. I understand that. Everybody knows that. What you didn't do was replace that portion with an income tax system. That's what you should have done. But you guys didn't have the courage to do that. You didn't have the courage because that would have

been seen as an income tax increase. You couldn't allow that because Mikey said, "No more tax increases," right? I understand.

You're causing a whole lot of damage just to equalize the problems — and not just to equalize the problems. The reason you guys are doing it is so you can take money out of the education system. You never say that. Mr Hardeman, we know that. You shake your head. I want to hear your reasoning so we can continue to debate.

If you centralize the education box, then you can take money out of the system. If you don't centralize control, you can't. If you leave the control to the boards of education, you can't touch it. But if you centralize it then you have full control through those boxes. You can do what you want.

When you say everybody's equal in this province — because people in Toronto are so unequal; they're treated so disproportionately unfairly in the way they get more money than the rest, so, "We've got to equalize that. It's been wrong all along. We want to make sure everybody across Ontario gets the same amount of bucks," because everybody's equal, right?

But poor people are not equal. Poor people, in cities and everywhere they live, are not equal. Often you have to do unequal things to arrive at some equality. For you, Mikey and others to say it's not right to spend more in some places than others because everybody should be treated equally — if poor people are treated equally as well as the rich, then hopefully those poor people would arrive at some level of equality at some point down the line, but we know they don't. Poor people tend to perpetuate their class over and over again.

If you genuinely want to treat them in an equal manner, you've got to do different things, because they come into the education system with unequal conditions. Because that is so, we spend some money from time to time in boards of education trying to introduce what we call compensatory educational programs, meaning there is what some people refer to as a deficit, which I dislike as a word, but I refer to it as coming into the educational system with academic differences that do not allow them to be equal performers to those who come to the system as children of professionals, who are much better prepared to deal with the education system.

If you take those moneys out of the Metropolitan Toronto system, or Ottawa, or any other place where they put those dollars, and you treat them equally all of a sudden, those kids who happen to come from poor backgrounds are going to suffer more problems as a result of your cutbacks.

You guys say you're going to take out \$670 million. It's in the document. Mike Harris said, "That's true, we are taking it out." Mr Carroll, it's obvious, because you guys have admitted that. Mr Hardeman says that's not true.

Interjection.

Mr Marchese: I'm bringing it all back.

Mr Hardeman: Oh, you're bringing it back?

Mr Marchese: Because it's context, right?

Mr Hardeman: Before lunch?

Mr Marchese: Of course.

The Chair: Ladies and gentlemen, Mr Hardeman opened up this can of worms and Mr Marchese is responding to that. But I will say that we are debating Bill 152.

Mr Marchese: Of course.

The Chair: I understand your response, because Mr Hardeman started this, but please try to stay with Bill 152.

Mr Marchese: That's what I'm doing. The context always takes a long time, because you explain it and then you come around to the issue. It takes time.

The Chair: Continue, Mr Marchese.

Mr Marchese: I want to get back to Mr Hastings's point on the concentration tax too at some point.

You see the problem. You're going to be taking more than \$670 million. You nod your head to that, but I know. Let me tell you. I'll explain. You see, Mr Chair, the context takes time. There is \$2.1 billion worth of education programs that are not funded by the provincial government; they're funded by local boards. You guys are going to take that money — I know you don't know about this, so it's okay, I'll explain it — the \$2.1 billion that they spend, which you now control but you didn't fund before, but you're not going to give that money back. I suspect a portion of that \$670 million is going to come out of that. Nobody has ever bothered to talk about that, because it's complicated.

You're going to take more than \$700 million out of that pot. I suspect you're going to take \$1.5 billion out of that pot. We're going to see, of course, because you guys have another year and a half or two, more or less, give or take a couple of months. That's where people have to focus their attention, because you guys need the money. The income tax cut you guys are giving — Chair, please bear with me; the context is lengthy. The income tax cut has produced a big problem for you.

1050

Interjections.

Mr Marchese: The VLTs, that's Jim Bradley.

The Chair: Mr Marchese has the floor, although I am concerned again, Mr Marchese.

Mr Marchese: I'll bring it back shortly.

The Chair: Indeed.

Mr Marchese: The income tax cut has caused a problem for you. You should have managed our deficit, because the recession wasn't as deep as it had been in the last two years. First, money has come into the provincial coffers. Second, you've already cut \$8 billion to \$10 billion in program operational dollars. That's a lot of money. You should have reduced the deficit by a serious amount by now. Then you have the interest rates, which have been at their lowest in a couple of years. You know how much money you guys have saved as a result of interest rates being low? Lots. Between money coming in — because you guys say you created all these thousands of jobs, so people are working and you guys have income tax money coming into the province, you're loaded with money — and interest rates reduce the deficit. That's why you're paying it off.

But your deficit is still high. You've got to wonder why. I'll tell you why. The income tax cut is causing you folks serious headaches. It's causing Mike Harris more headaches than you can imagine. Some of you will admit that in frank discussions, but you can't ever admit that in public. I appreciate that. But it's costing you guys and women on the other side \$2 billion to \$3 billion a year to service that income tax cut. That's why you guys have to find the money somewhere. Where's it coming from? Education. Back to Mr Hardeman now. You see? I'm back.

Mr Hardeman says, "We're taking out the education portion of property tax, so we've got to dump" — that's not your word, Mr Hardeman, but you've got to dump things down to the municipality. So what do you guys do? You dump housing. But remember, you've got hard services and soft services in the municipality? Mr Hastings, you were a municipal councillor, I think.

Mr Hastings: In another life.

Mr Marchese: In another life. Me too. I was a trustee in another life, and a teacher before that. We understand the language of hard and soft services, correct? Those of you who have been municipal councillors understand that. Everybody appreciates that property taxes genuinely should bear the burden of hard services — more or less, Mr Hastings?

Mr Hastings: What about education?

Mr Marchese: That's fine. You guys were taking the education portion out. It was wonderful that you did that. But you dumped all these other things on to the municipality, to the property taxpayer. That's not right. I agree that you should take the education portion out of property tax. He's not listening now. I'll focus on Mr Carroll. I agree; that was a good thing.

In my government, I advocated for the removal of education from property taxes. I lost that fight. It's true. But I wasn't arguing we should take it out by shifting something else to the municipality. No. It costs money. Part of what I advocated in my own government was, let's remove education from property taxes, and let's phase it out 10% at a time —

Mrs Munro: Education?

Mr Marchese: Yes, education — so that when you shifted that cost to income tax it wouldn't be an incredible hit on people when they saw their income tax going up, 10% at a time. We lost that fight. But you guys don't want to do that. You guys are shifting, dumping, these other things to the poor property taxpayer.

Mrs Munro: We're shifting it.

Mr Marchese: Not shifting, no; you call it "effective reallocation of responsibilities." I know what that means. That's called dumping — dumping another problem on to the poor property taxpayers and poor tenants, because tenants pay a whole lot of property taxes. Some of you don't know this, but they do.

These poor people are now stuck with housing and all the other stuff I mentioned. It's a disgrace to burden the property taxpayer and the tenant with this soft service that is properly the responsibility of the provincial government.

That's where you guys have made a complete blunder in this whole thing. For that you will be remembered.

I don't want to link the concentration tax to what the Liberals did.

The Chair: Now you are off topic.

Mr Marchese: No, no, no. How could he have been on topic and I am off topic? Just a moment here, because I want to make a point. I want to make the point that Mr Hastings — I helped you guys out. Our government helped you guys out. Do you know how?

Mr Hudak: How? Tell us how.

Mr Marchese: We removed the concentration tax.

Mr Hastings: What a favour.

Mr Marchese: Mr Hastings, we did you a favour — not you; your buddies. We did your big, powerful buddies a favour. We took it out. Do you know how much that was worth? Any guess?

Mr Hudak: It probably cost \$250 million.

Mr Marchese: It was \$250 million. You should ask yourselves why we would have done that. At a time when we were having a serious deficit problem, we removed the concentration tax. Then we had to replace that money by hitting somebody else. Don't you think it's sad? Mr Hastings has other answers for that, no doubt about that. I just wanted to point out that we helped him out in this regard.

Anyway, back to this issue, I support the motion because I think the Ministry of Municipal Affairs and the Ministry of Finance, in essence the provincial government, should be the ones to hold the burden of housing and not leave it to these other poor entities out there: townships, towns, cities and all of that.

I can come back to this later, Mr Chair.

Mr Hastings: I just want to briefly state that it's a very historic moment, hearing from Mr Marchese at 10:55 this morning, November 20, 1997 — it will go down in history — that a New Democrat member finally acknowledged the existence of "our deficit."

Mr Marchese: Maybe I can go back to that afterwards. We have time.

The Chair: Dare I ask if there's any further debate? Is there further debate on this motion? All those in favour of this Liberal motion?

Mr Marchese: Is there a recorded vote, or what?

The Chair: A recorded vote.

Ayes

Colle, Marchese, Sergio.

Nays

Carroll, Hardeman, Hastings, Hudak, Munro.

The Chair: The motion fails. We are on page 75, which is a government motion.

Mr Carroll: I move that subsections 4(5), (6) and (7) of the Social Housing Funding Act, 1997, as set out in

schedule F to the bill, be struck out and the following substituted:

"Allocation formula

"(5) The prescribed allocation formula may, subject to subsection (6),

"(a) allocate the amount among any combination of the entities listed in subsection (4); and

"(b) provide that, despite subsection 4(3), a portion of the amount referred to in clause 4(1)(b) be allocated to all territory without municipal organization or to a part of such territory and may specify the parts of such territory to which specified amounts are allocated.

"Prescribed board or agency

"(6) If an amount is allocated to a prescribed board or agency, no amount shall be allocated for the same billing period to an entity listed in paragraph 1, 2 or 3 of subsection (4) whose geographic area lies within the area of the board's or agency's jurisdiction.

"Collection of amounts in unorganized territory

"(7) If the prescribed allocation formula allocates amounts to territory without municipal organization, the amounts so allocated may be recovered by the crown as taxes imposed on property taxable under the Provincial Land Tax Act."

Mr Hardeman: This amendment has two reasons. One is to provide the ability to apportion social housing costs on unorganized territories in northern Ontario, and second, the amendment would delete the reference to district social service administrative boards no longer needed because an earlier reference elsewhere in the bill would be deleted under another government motion.

The Chair: Debate?

Mr Marchese: This motion would allow a bill — a money thing — to be sent to all residents of an unorganized territory, whether or not they have social housing. Is that what this more or less means?

Mr Hardeman: I would ask one of the staff members to identify themselves and answer that.

1100

Mr Frank Nicholson: My name is Frank Nicholson. I'm a senior policy adviser with the housing policy branch with the Ministry of Municipal Affairs and Housing.

Mr Marchese: You still have a job?

Mr Nicholson: I believe so. In answer, the general philosophy for all of the allocation of social housing is that the cost is being spread over broader catchment areas and not going by whether, for example, a municipality happens to have a project located within its boundary. By that philosophy, in the event that the province does decide to allocate social housing costs to unorganized territory, it would be across broader areas and not to specific communities in that territory.

Mr Marchese: Right. That's more or less what I said.

Mr Nicholson: Yes. The answer to your question —

Mr Marchese: You see how sad this is? Well, it's what I said; he's agreeing. It's pitiful. Someone doesn't have any social housing — and I don't think these unorganized territories are wealthy. That's my understanding. Maybe they are; I don't know. But it means they

would have to pick up the cost, spread it out. The philosophy seems reasonable: You spread out the burden, the problem. But that's why I say this whole thing is wrong. If the provincial government pays for it through an income tax system, it's fair. But if you have pass it down to the municipalities and then you have to do this through these kinds of amendments, a whole lot of people are going to have to be passed on that burden of social housing. This shouldn't be.

You, the provincial government, should have responsibility for this social service, not these other entities. That's what's wrong about your bill. You're going to cause a whole lot of pain to a whole lot of people, and once they begin to understand this — because the problem with bills is that for most people they're abstractions until they finally get the bill in the mail, and then they're going to say, "What the hell happened?" Then they're going to say, "Oh, it was Mike who did this." Once they've discovered Mikey did this, they're going to have an angry problem on their hands, right? But at the moment, no one really understands this, so you're going to pretty well safe.

This is going to hit the property tax people this coming year and the next year. If you guys hold out long enough, I hope — I think you should stay in power long enough for people to feel the effects of your bill. Don't leave before that, please, because otherwise the next government is going to have to accept the burden of your problem. Whatever you guys do, stay in long enough, okay? Don't leave before your fourth year has come up.

Mr Hastings: Is that a guarantee?

Mr Marchese: No, I want you guys to stay as long as you can. You'll have an extra year's salary anyway, so that's okay. Protect your own individual interests, but do us a favour, because you guys are proud of this, right? There's an esprit de corps among all of you around these issues. Please continue with that esprit de corps until the very end.

Hold out so that the residents have a good sense that you guys did this, and then you can go out triumphantly and say: "Yes, it was us. We did it and we're proud of it." Don't just be proud now. You've got to be proud until the moment those people start getting the bills at their homes, so they can lay blame on the appropriate body, and you can with a great deal of pride say: "Yes, it was us. We think this bill is good. We think it's good that housing is passed down to the municipalities and a whole lot of you people are paying a little more."

Then you go back and say, Mr Hastings: "It's the municipalities that have to deal with this problem. Go after them, because they're not dealing with it right. It wasn't us. We just passed it down to the municipalities. They are the spendthrifts; they do not know how to manage your bucks." You can present that kind of line as a way of defence.

This bill is bad. This bill is going to hit a whole lot of people. I want you guys to stay long enough in power so they know who the real culprits are. Don't leave it to us; that wouldn't be fair.

Mr Colle: I have a question to staff. What if there isn't any social housing in an unorganized territory?

Mr Nicholson: There is social housing in all the areas.

Mr Colle: In all the unorganized territories?

Mr Nicholson: Not in every community, but there is located in many communities. Of course, access to it is not restricted to the people who happen to live in that community. In answer to your question, there is social housing located in unorganized territory. In addition, of course, the people there as well have access to the social housing located in the incorporated municipalities.

I might just clarify one point, though. This provision is just permissive. No government decision has yet been made as to whether such costs are going to be attributed to unorganized territory. For example, as of January, this provision will not be used and in unorganized territory the residents will not be charged for this. It's strictly to permit the rationalization of services in northern Ontario based on the discussions and consultations that are ongoing with the residents and municipalities of northern Ontario.

In answer to your question, yes, there is social housing in unorganized territory.

Mr Colle: What if there is an unorganized territory without social housing? Could that unorganized territory without social housing be allocated an extra cost imposed on the property tax or a billing on the appropriate tax of that unorganized territory because maybe an organized territory or another unorganized territory has social housing?

Mr Nicholson: The answer is yes. If it happens to be physically located elsewhere, in a sense an unorganized community may not have social housing, but they do have access to it in the adjacent communities.

Mr Colle: How are you going to go to the property taxpayers in unorganized territory, who are all independent, living in small communities or individual homesteads, and justify to them that they're going to have to pay this extra bill for social housing? I could see it in education, where they all have had children who go through the system. But in this they say, "Where is the social housing in this part of northern Ontario?" How are you ever going to get them to accept that bill?

Mr Nicholson: It's really the same philosophy I mentioned before. There are many municipalities in Ontario that don't happen to have a project located within their boundaries. But the residents there do have the right, and many of them do exercise that right, to go down the road 10 miles or whatever and have access to the housing located there. The philosophy is to spread the cost across broader catchment areas.

Mr Colle: In other words, whether they like it or not, every property taxpayer in Ontario, no matter how remote you are from cities or social housing or if you live up in James Bay, you're going to be paying for social housing. Nobody escapes.

Ms Andrea Baston: I'm Andrea Baston, from the legal branch. It's a discretionary power. There's no rule that the government has to make a regulation in that way.

Mr Colle: But it basically gives you the power to hit every homesteader, every person living in the wilderness, every hermit living in some cabin — everybody is subject to this new tax on social housing.

Ms Baston: If a regulation was made in that way.

Mr Colle: But this gives the government the power to do that. Nobody escapes.

Mr Nicholson: Correct.

Mr Marchese: For the purposes of clarity, this is enabling legislation, and by regulation, then, the province could make such a determination. It's the province that would do this, not an upper tier? Is that correct? Is that the way it works?

Mr Nicholson: Yes, that's correct.

Mr Marchese: The province leaves itself that power in the event that somehow there's some problem up there and they may have to do this, and then they would say, "You folks up there can pass this down to them if you need to or if you want to."

Would the province take responsibility for that, or would it be some other city up there in the north that would take responsibility for that?

Mr Nicholson: It's a provincial decision.

Mr Marchese: Right. On the request of a municipality or a city, or just the province deciding by its wisdom because they know they might do this if they want?

Mr Nicholson: Apparently, the Ministry of Northern Development and Mines has a consultation under way with residents of northern Ontario about the rationalization of services in the north, including the people in unorganized territory. It's to permit the implementation of whatever decisions come out of that. But no decision has been made at this time, so I can't give a specific answer to your question.

Mr Marchese: I understand. Enabling legislation.

1110

Mr Hardeman: If I could just very quickly for the record speak to Mr Marchese's comment about "like the upper tier," I think the issue in southern Ontario, where we have two-tier government and these services will be provided by the upper tier, is that they will be paid for by the taxpayers in all the participating municipalities, some of which may not have social housing within their boundaries.

This amendment deals with the areas in the north where we have no upper tier. In fact, in a lot of areas we have no organized local government to provide uniform service across the geographic areas and the ability to have them all pay a fair share of those services.

Mr Marchese: Pooling, in other words, where necessary.

The Chair: All those in favour of this motion? Opposed? The motion carries.

All those in favour of section 4, as amended?

Mr Marchese: I have a question on the whole section afterwards, on the whole schedule.

The Chair: This is the appropriate time. We're voting on section 4, as amended.

Mr Marchese: No, I have a question on the whole schedule.

The Chair: Okay, perhaps later.

All those in favour of section 4, as amended? All those opposed? Section 4, as amended, is carried.

The next motion is a government motion. I declare it out of order. It's not a proper motion. This is page 76. Excuse me, please.

Ladies and gentlemen, the clerk has pointed out to me, and I think he's right, that when you ask that an entire section be struck out, that is out of order, but it is in order to strike out a subsection. So the motion is in order.

Mr Marchese: Saved by the Chair. I was worried for you guys. I was about to defend the government.

Mr Carroll: We had confidence in the Chair.

I move that subsection 5(2) of the Social Housing Funding Act, 1997, as set out in schedule F to the bill, be struck out.

Mr Hardeman: This amendment removes the requirement for provincial social housing bills to be sent by registered mail. I think that's appropriate; that's been discussed.

Mr Marchese: So they do not have to send the notice by registered mail?

Mr Hardeman: Yes, presently the bill requires —

Mr Marchese: They do.

Mr Hardeman: — it to be sent by registered mail.

Mr Marchese: This will say they don't.

Mr Hardeman: They still could, but this removes the obligation to send it by registered mail.

Mr Marchese: Because it's not necessary or why? What's the point? Is there a point to that?

Mr Hardeman: I think it is an onerous provision that requires it to be done in a certain manner. The bill could be sent other than registered mail.

Mr Marchese: Is it a cost thing, onerous by cost, onerous by what?

Mr Hardeman: I think it's both onerous by cost and by function, and there's not a problem. If one was not received, it could be paid again or sent again. I think it's an onerous cost on the system that is not required.

Mr Marchese: So we're doing it to be efficient, except if it doesn't get there, we'll do it again and that will cause inefficiency, or we don't have to worry about that?

Mr Hardeman: I would suggest that the majority of —

Mr Marchese: Will get it.

Mr Hardeman: — mailing in the province is done based on sending the bill in the mail. I think to put a stipulation that for this purpose all bills must be sent by registered mail is an onerous suggestion that can be deleted.

Mr Marchese: I understand. Can I ask the staff person why we did this in the first place? Maybe there's a historical reason for it.

Mr Nicholson: I really don't know why the provision was put in originally beyond the concern that municipalities get the information they need, but on reviewing it I believe it was felt that normal business practice is not

to require this and so indeed it was felt to be onerous and excessive in its costs.

Mr Marchese: What about Canada Post? They're going to fire more workers, it's going to become more inefficient, and if you don't do it by registered mail, this will become a problem. Chair, aren't you worried about this?

The Chair: The Chair is always worried about all kinds of things, Mr Marchese, like keeping on topic for starters.

Mr Marchese: No, no. I was on topic. Be fair now.

The Chair: All right. Please proceed. Are we finished? Any further debate?

Mr Colle: What is this specific notice? Is it the notice of allocation of cost to be borne by the property taxpayer? Is that what it is?

Ms Baston: Yes, it's the actual billing.

Mr Colle: Like a tax bill.

Ms Baston: That's right.

Mr Colle: Would the tax bill be sent by the municipality or the province?

Ms Baston: This will be sent by the province to the municipalities indicating how much they need to pay.

Mr Colle: So what's the big cost in terms of sending a registered letter to the municipality, not to the individual taxpayers?

Ms Baston: It was just seen to be a better business practice to send it by the ordinary mail, or electronically or whatever method is acceptable.

Mr Colle: So this was just an error, an oversight then. Is that what you're saying? Is that the rationale here?

Ms Baston: It was seen to be a better idea to do it this way.

Mr Colle: It was done to save money then. Making sure the thing is done properly, it's just basically to save money.

Ms Baston: I would say so.

Mr Nicholson: Yes, and to be in line with normal business practice and not to be seen to be wasting the taxpayers' money.

Mr Marchese: I love that.

Mr Colle: Okay.

Mr Hardeman: I just want to clarify that it's not a one-time billing process. It's not a notice that's going out and from then on the municipalities will pay on that. This is the normal process of billing the municipalities for the social housing cost. It isn't only the cost of the difference between regular mail and registered mail; it may be other means of delivering those bills. Presently the bill suggests the only way that bill could be delivered, either monthly, bimonthly or whatever the timing of the bills would be. The only way it could be done was by registered mail, and this makes the other alternatives a possibility.

The Chair: Further debate? All in favour of this motion? Opposed? This motion is carried.

All those in favour of section 5, as amended? Opposed? Section 5, as amended, is carried.

All those in favour of sections 6 and 7? Opposed? Sections 6 and 7 are carried.

Now there's a government motion on page 77. My information is it's not a motion and it is out of order, but we will allow a debate on section 8.

Mr Marchese: Don't they have an argument to convince you?

The Chair: Any debate on section 8?

Mr Marchese: No, you ruled that motion of order.

The Chair: I did.

Mr Marchese: They don't want to defend or attack the ruling or what?

Mr Carroll: We agree with the ruling.

Mr Marchese: Oh, you agree with the ruling. Okay.

Mr Carroll: We're ready to vote on it.

The Chair: They allow me one error a day, I think, Mr Marchese.

Debate, Mr Hardeman?

Mr Hardeman: No, I was just going to agree with the Chair that the motion would be out of order, because it would be telling me how I should vote and I would tell the Chair I'm going to vote against the section.

The Chair: Debate on section 8? All those in favour of section 8? Opposed? Section 8 fails.

We are on to section 9, which is a government motion on page 78 of the package.

Mr Carroll: I move that subsection 9(2) of the Social Housing Funding Act, 1997, as set out in schedule F to the bill, be amended by striking out "and subsection 5(2)" in the third line.

Mr Hardeman: This is a similar motion as it relates to the registered mail issue. It's another type of mailing process, and I would support the amendment.

The Chair: Debate? All in favour of this motion? Opposed? This motion carries.

1120

Mr Carroll: I move that subsection 9(3) of the Social Housing Funding Act, 1997, as set out in schedule F to the bill, be struck out and the following substituted:

"Refund or credit

"(3) If the recalculation shows that the estimates exceeded the costs actually incurred and that as a result the amount allocated to the entity exceeded what was properly due, the Minister of Finance shall,

"(a) pay the difference to the entity in accordance with the notice; or

"(b) subtract the difference from the amount allocated to the entity for the next billing period."

Mr Hardeman: This amendment clarifies that the variance between the estimated billings and the actual cost, where it varies, the amount of variance could be credited to the next bill as opposed to having to transfer money back and forth on a regular basis, and that's why I would support this amendment.

The Chair: Further debate? All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 9, as amended? Opposed? Section 9, as amended, is carried.

We're on to page 80, Mr Carroll.

Mr Carroll: I move that section 10 of the Social Housing Funding Act, 1997, as set out in schedule F to the bill, be amended by adding the following subsection:

"Retroactive regulation under clause (1)(d)

"(3) A regulation made under clause (1)(d) is, if it so provides, effective with reference to a period before it is filed.

"Same, refund or credit of amounts paid

"(4) If a regulation under clause (1)(d) is made effective with reference to a period before it is filed, the Minister of Finance may refund or credit to an entity referred to in subsection 4(4) any amounts paid by it with respect to costs incurred during the period and attributable to the prescribed housing project, part of a housing project or housing category.

"Same

"(5) The allocation formula prescribed under clause (1)(h) may,

"(a) provide for the determination of the total amount to be allocated to municipalities that are situated within a county but that do not form part of the county for municipal purposes and to the county and provide for the apportionment of that total amount among the municipalities and the county in accordance with an agreement between them or with an arbitration decision, subject to the prescribed conditions;

"(b) authorize agreements for the purposes of clause (a);

"(c) provide for an arbitration process for the purposes of clause (a);

"(d) set out any other method of determining the amounts to be allocated to municipalities that are situated within a county but do not form part of the county for municipal purposes and to the county.

"Apportionment

"(6) A regulation under clause (1)(1) may do one or more of the following:

"1. Authorize lower-tier municipalities situated in an upper-tier municipality to determine by agreement with the upper-tier municipality how the amounts allocated to the upper-tier municipality are to be apportioned among the lower-tier municipalities, subject to the prescribed conditions.

"2. Provide for an arbitration process for determining how the amounts allocated to the upper-tier municipality are to be apportioned among the lower-tier municipalities.

"3. Set out the manner in which an amount allocated to an upper-tier municipality is to be apportioned among its lower-tier municipalities.

"Same

"(7) A regulation under clause (5)(a) or under paragraph 1 or 2 of subsection (6) may,

"(a) provide for the manner in which amounts are to be apportioned and for the time and manner in which they are to be paid, on an interim basis, until such time as an agreement is reached or as a determination is made by arbitration;

“(b) permit an agreement or the arbitration decision to apply to amounts paid or owing before the agreement or the arbitration decision is reached; and

“(c) provide for the reconciliation of amounts paid on an interim basis.”

Mr Hardeman: This amendment does two things. First, the new subsections (3) and (4) would clarify that where the province decides to not charge municipalities for a particular category of social housing, the regulation reducing the bill can be made retroactive.

Second, the new subsections (5), (6) and (7) would provide greater flexibility to accommodate local wishes in the formula governing the sharing of social housing costs between counties and separated municipalities and within counties and regional municipalities. The regulation made under this provision could establish a standard sharing formula, authorize a locally agreed on formula and/or set up an arbitration process to settle the matter in the absence of local agreement.

Mr Marchese: This is an omnibus type of clause, an enabling kind of clause that will permit the flexibility Mr Hardeman talks about in terms of apportioning cost by agreement, arbitration or by any other means. It covers everything, right? It's six or seven weeks before January 1 when they have to start paying the bill. My comment is that this government still doesn't know what it's doing. With the great haste, it's got to come up with clauses like this because it has to cover all eventualities. Essentially, it's sad. The haste of this government is seen by the number of these types of clauses. It's protective, covering all kinds of clauses and it shows the problem this government is in when they move quickly to try to deal with the problem they've created.

The Chair: Debate? All those in favour of this motion? Opposed? This motion is carried.

All those in favour of section 10, as amended? Opposed?

Mr Marchese: I'm opposed.

The Chair: Indeed. Section 10, as amended, is carried. Mr Marchese —

Mr Marchese: Are you ruling that out of order, Mr Chair?

The Chair: I regret, Mr Marchese, it is out of order, but the good news is you can debate section 11.

Mr Marchese: I have a question on this whole thing. Mr Hardeman, I've got a problem with the Metro housing authority in terms of what you folks are going to do to it. Are you passing it down to the new municipality, yes or no? If all housing is to be handed down to the municipality, what is happening to the Metro housing authority? Do you know?

The Chair: Mr Marchese, I am not going to preclude that question, but section 11 has to do with when this bill comes into force.

Mr Marchese: I can ask it afterwards if you want me to pose it at the end.

The Chair: We will be having a vote on schedule F, as amended, and it might be more appropriate to put that question at that time.

Mr Marchese: You're quite right.

The Chair: Is there further debate on section 11? All those in favour of section 11? Opposed?

Mr Marchese: I'm opposed.

The Chair: Section 11 is carried. We are on to section 12. All those in favour of section 12? Opposed? Section 12 is carried.

Now I believe we can debate schedule F, as amended.

Mr Marchese: Mr Hardeman, maybe you have had some time to think about that? No? Are you guys handing down all housing to the municipality, which includes the Metro housing authority, yes or no? If it's yes, I'll understand; if it's no, then I'd like to have an explanation of what's happening with that.

Mr Hardeman: The present provisions in the bill we are dealing with today deal with the proportion of the cost for social housing to be aligned to the lower-tier municipalities. There have been a number of stakeholder committees set up to look at the process or the implications of transfer of the actual housing portfolio, whether that should or shouldn't be done, or how that would devolve if it was to be done. The government is waiting for reports back on that in the future. The bill deals with only the social housing costs as they apply today.

Mr Marchese: What is section 2 of this schedule F? Is that just apportioning of costs? That just speaks to the apportionment of costs?

Mr Hardeman: To make sure we have the legal opinion on that, we'll ask the legal branch to speak to that.

Ms Baston: Section 2 of the bill describes how you calculate provincial social housing costs, what items go into it. It lists the cost of OHC and then various social housing programs.

Mr Marchese: With respect to MTHA, you have no clue; there are just talks and nothing more can be said about that. Is that more or less —

Mr Hardeman: What's presently in the bill, yes; you have costs —

Mr Marchese: I understand what's in the bill, but in terms of your knowledge of what's happening to MTHA, there are discussions. That was very clear. Thank you.

Mr Colle: In terms of costs, what are your anticipated costs that will be transferred, downloaded to the local municipalities? How much?

Mr Marchese: The whole amount of the whole download or just housing?

Mr Colle: Social housing.

Mr Hardeman: I'm sorry; maybe the ministry can answer.

1130

Mr Nicholson: The estimate that was given previously is \$905 million, but then subsequently the minister indicated we are anticipating at least a 2% reduction off that through efficiencies prior to the transfer.

We have to be honest. This is an estimate and will evolve through the years. But both with respect to the total amount and to the breakdown for upper-tier areas, there have been extensive meetings with all the municipalities to

give them the best figures we have at this time. The \$905 million is the total figure.

Mr Colle: Does that \$905 million include the anticipated retrofit costs? Ernst and Young did a study about a year and a half or two years ago anticipating certain retrofit costs in existing housing stock. Does that \$905 million include — I think they estimated some \$360 million.

Mr Nicholson: It does not include that amount but it does include a major infusion of capital funds both for the public housing stock and also replenishing the capital reserves for the non-profit housing as well.

Mr Colle: So the \$905 million includes that capital infusion needed. Is that part of the \$905 million or is that just the ongoing costs of maintaining the units as is?

Mr Nicholson: It reflects, if you like, an increased annual amount that reflects what was taken away through constraint in previous years. No, it's not inflated. If you're asking, is it inflated by this one-time infusion? No, it is not. It reflects a kind of normal annual amount.

Mr Colle: Part of the \$905 million therefore includes some of these moneys needed to retrofit that the province used put into social housing?

Mr Nicholson: But it doesn't include additional moneys which have been flowed this year to bring it up to this base, so it's not inflated by the additional \$223 million that the government has infused to meet the municipal concern that the stock was not in good shape.

Mr Colle: What was that approximation from Ernst and Young of the number of millions needed to potentially bring housing stock up to standard?

Mr Nicholson: It was a significant amount. I don't recall the exact figure.

Mr Colle: So the money that was talked about in that study, that's going to be left up to the municipal governments to come up with the kind of money that may be needed to bring these units up to standard?

Mr Nicholson: That was one study. We believe we've made major investments in the capital stock to bring it up to standard. I should say in addition, the ministry has commissioned a study of the public housing stock, a 10% sample across all of Ontario, to confirm our assessment that the money that has been invested to this point is sufficient to ensure that what municipalities will be receiving is stock that is in pretty good shape compared to some of the stock in the private sector.

Mr Colle: You've increased your funding for maintenance and rehabilitation over the last couple of years? Has your budget for maintenance and upgrading for, let's say, MTHA housing, been increased?

Mr Nicholson: There is an increase this year, yes.

Mr Colle: Do you know how much that was?

Mr Nicholson: For MTHA I don't know the figure.

Mr Colle: Let's say for social housing. What was the increase in the budget, approximately? I know you may not have that.

Mr Nicholson: As I say, it was \$223 million, which included a \$173-million increase for non-profit housing plus an additional \$42 million for the public housing

stock, in addition to the \$60 million that had been in the budget.

Mr Colle: So \$60 million was already in the budget, and you said you put in — I'm not talking about non-profit housing; I'm talking about subsidized or MTHA-type housing — another \$40 million in this year's budget.

Mr Nicholson: Yes.

Mr Colle: But wasn't the anticipated need about \$300 million, to bring it up to standard?

Mr Nicholson: I'm not aware that that was the need, no.

Mr Colle: I think that's what Ernst and Young said, that you'd need about \$300 million.

Mr Nicholson: As I say, that was one study. In recent years we have instituted in the ministry a system for projecting the capital needs of the public housing stock in allocating the moneys among the different local housing authorities. In addition, as I say, we have commissioned a consulting study to do an in-depth physical assessment of the public housing stock, but the assessment at this time is that moneys that have been provided are sufficient.

Mr Colle: You know who Don Richmond is? He's the former commissioner of social services in Metro. He was in charge of MTHA for a while and was also on the board of the Metro Toronto Housing Co. A couple of years ago, he stated that the biggest ticking time bomb financially for governments was social housing, in that the stock had reached a stage, especially in the cities in Ontario where the average age is about 30 years, where it is about to need a massive infusion of money. The infrastructure, everything from plumbing to heating, elevators, the whole thing, was just going to be a financial catastrophe that was looming on the horizon.

Is that the reason why the provincial government is getting rid of social housing? Because it knows it's going to be a financial disaster?

Mr Nicholson: The minister believes that the money that has been invested does address the need for the stock to be in good shape. We believe that this investment has been made.

Mr Colle: So you disagree with Don Richmond's principle that this is a ticking financial time bomb that you're getting rid of?

Mr Nicholson: I don't have Mr Richmond's entire quote in front of me, so I can't speak to that specifically.

Mr Colle: But the principle of the fact is that you feel this housing stock is in great shape, that you're doing the municipal government a favour by giving them this gift. It is up to standard and it's not a ticking financial time bomb.

Mr Nicholson: I don't think "ticking financial time bomb," in light of the additional infusion I referred to, is an accurate description of the situation.

Mr Colle: That infusion of whatever it was, \$40 million extra, takes care of that concern that this housing stock, which has reached an age of maturity, like Regent Park, St James Town, Jane-Woolner in the city of York, that housing stock, which is now about 30 years old, is of

no concern. It's adequately taken care of by that \$40 million.

Mr Nicholson: Any stock can be improved, but compared to the private sector and the private stock, we feel that our public housing stock is in good condition overall, although there can be problem areas.

Mr Marchese: What about the money the private sector is getting?

Mr Colle: What kind of private sector housing are you comparing it to?

Mr Nicholson: I'm just talking generally, compared to stock of similar age and similar form of housing. We feel that there has been a major infusion and that the stock is in good shape. But again, as I say, there is a major study under way to make certain that this is the case.

Mr Colle: Who's doing that study, by the way?

Mr Nicholson: Unfortunately, I don't recall the name of the firm at this time.

Mr Colle: It's an outside consulting firm that has been brought on board like Ernst and Young to look at the cost needed to retrofit the existing housing stock?

Mr Nicholson: Yes, looking at cost and also the actual physical condition.

Mr Colle: Will that report be made public?

Mr Nicholson: Yes. It will be a ministry report and will become part of the public domain.

Mr Colle: Okay. Thank you.

Mr Marchese: I have a question. You talked about 2% that you hope to achieve in efficiencies. Maybe Mr Hardeman knows that, I'm not sure. Two per cent is a lot of money, I think, in the context of this big bill. What kind of efficiencies are we talking about?

Mr Nicholson: I think they're general operational efficiencies and I think the municipal government is in discussions with them. They've come forward and suggested that they can look at how they operate these facilities and that those efficiencies can be found. Some of them will come from efficiencies within the ministry and how they govern and administer the whole portfolio. I think they're operational efficiencies, and as you bring it to the local level to where they can deal with it closer to the people they will be able to find —

Mr Marchese: So in your discussions with the municipalities, they said: "Oh yes. That's not a problem. We can cut 2%." Is that more or less what they said?

Mr Nicholson: No, I wouldn't characterize it quite that way, that the municipalities came forward and said just turn the social housing portfolio over to municipalities and we can find savings. But I think the majority of municipalities that we've had discussions with on the social housing are prepared to suggest that they could operate them in a more cost-effective and efficient manner than the province is at present doing.

Mr Marchese: Mr Hastings, did you hear that? This is great. Municipalities are great. They're so cooperative. They're going to find efficiencies. There's no problem. They're going to work hard to arrive at that. This is great. Great cooperation. I feel better already, Mr Carroll. I'm ready to oppose this whole bill now.

The Chair: Well, we're not quite there yet. We're going to vote on schedule F, as amended. All those in favour? Opposed? Schedule F, as amended, is carried.

We have a New Democratic motion on page 83, which has to do with the long title.

Mr Marchese: For sure I want to change the title. Yes, I want to move this.

I move that the long title of this bill be struck out and the following substituted — this is a more accurate, I would say, description of the bill:

"An Act to destroy the delivery of Social Services" —

Interjections.

Mr Marchese: I've heard your titles before.

The Chair: Mr Marchese is reading the motion, please.

Mr Marchese: I'll repeat that, Mr Chair. "An Act to destroy the delivery of Social Services at the Municipal level through Provincial downloading" — we should have said "dumping" — "of certain Public services to the Responsibility of the Local Taxpayer, specifically the Download of Health Protection and Promotion, Ambulance Services, Social Housing and other provincial responsibilities whose costs will increase over time."

I could speak on this for half an hour or so, but I think I made my point. As I said, this title describes more accurately what we think is going to happen to municipalities and to the poor taxpayers of homes and to the poor tenants who are going to have to bear the burden of these costs in spite of the fact that this government says to us: "Don't worry. If there are shortfalls, you provincial folks are there to pick up the tab." You're not going to be there and the next government's going to be there to worry about it and to fix your mess.

The Chair: Debate? All those in favour of this motion?

Mr Marchese: I'll have a recorded vote.

Ayes

Colle, Marchese.

Nays

Carroll, Hardeman, Hastings, Hudak, Munro.

The Chair: This motion fails.

Shall the long title carry? All those in favour? Opposed? The long title carries.

All those in favour of the bill, as amended? All those opposed? The bill, as amended, is carried.

Shall I report the bill to the House?

Mr Marchese: I think it should disappear.

The Chair: We'll have a vote as to whether I report the bill to the House. All those in favour? Opposed? I shall report the bill to the House.

Thank you very much. This meeting is adjourned to the call of the Chair.

The committee adjourned at 1145.

ERRATUM

No.	Page	Column	Line	Should read:
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Substitutions / Membres remplaçants

Mr Jack Carroll (Chatham-Kent PC)

Mr Ernie Hardeman (Oxford PC)

Mr John Hastings (Etobicoke-Rexdale PC)

Mr Tim Hudak (Niagara South / -Sud PC)

Mr Frank Klees (York-Mackenzie PC)

Also taking part / Autres participants et participantes:

Mr Frank Nicholson, senior policy adviser, planning and building policy section, MOMAH

Ms Andrea Baston, senior counsel, legal branch, MOMAH

Clerk / Greffier

Mr Tom Prins

Staff /Personnel

Ms Sibylle Filion, legislative counsel

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 4 December 1997

Jeudi 4 décembre 1997

*The committee met at 1008 in committee room 1.***Mr Mike Colle (Oakwood):** How about a few comments about the former Chair in passing?

ELECTION OF CHAIR

Clerk of the Committee (Mr Tom Prins): Honourable members, it's my duty to call upon you to elect a Chair. Are there any nominations?**Mr Rosario Marchese (Fort York):** I nominate myself. How's that?**Mr Jack Carroll (Chatham-Kent):** Mr Clerk, I'd like to nominate John O'Toole.**Clerk of the Committee:** Okay. Do you —**Mr Marchese:** I'm okay. I like John.**Clerk of the Committee:** If there are no further nominations, I declare the nominations closed and Mr O'Toole be elected as Chair.**The Chair (Mr John O'Toole):** I'd like to thank Mr Carroll for the privilege of serving as Chair to this important committee. I know with your experience and background, not the least of which would be Bill 26, I will be calling on you from time to time to give me some wise advice.**Mr Marchese:** Our new Chair.**The Chair:** Very good. If there is other business, do any members of the committee —

APPOINTMENT OF SUBCOMMITTEE

Mrs Julia Munro (Durham-York): I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: Mr O'Toole, Mr Gilchrist, Mr Sergio and Mr Marchese; and

That any member may designate a substitute member on the subcommittee who is of the same recognized party.

The Chair: We have a motion by Ms Munro with respect to the formation of the subcommittee. Any comments or questions on that? Being none, I'll call the question. All those in support of that motion?**Mr Marchese:** I can support that.**The Chair:** That's carried unanimously, thank you. If there is no other business to conduct, this meeting is adjourned.*The committee adjourned at 1011.*

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Official Report of Debates (Hansard)

Thursday 11 December 1997

Journal des débats (Hansard)

Jeudi 11 décembre 1997

Standing committee on general government

Fish and Wildlife
Conservation Act, 1997

Comité permanent des affaires gouvernementales

Loi de 1997
sur la protection du poisson
et de la faune

Chair: John R. O'Toole
Clerk: Tom Prins

Président : John R. O'Toole
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 11 December 1997

Jeudi 11 décembre 1997

The committee met at 0953 in committee room 2.

SUBCOMMITTEE REPORT

The Vice-Chair (Mrs Julia Munro): Good morning, ladies and gentlemen. Welcome to the standing committee on general government. We're here this morning to look at Bill 139. Before we have our deputations, I'd like to ask for the report of the subcommittee.

Mr Harry Danford (Hastings-Peterborough): Our report of the subcommittee re Bill 139, An Act to promote the conservation of fish and wildlife through the revision of the Game and Fish Act.

"The subcommittee met on Tuesday 9 December 1997 and agreed to the following:

"(1) That the committee will meet on Thursday 11 December 1997 to deal with the abovenoted bill.

"(2) That the following groups were invited to make a deputation — and if it's permissible, I'll just read the names of the groups rather than all the individuals: Ontario Federation of Agriculture, World Wildlife Fund, Bear Alliance, Animal Alliance, Northern Ontario Tourist Outfitters, Ontario Federation of Anglers and Hunters, Ontario White-Tailed Deer Producers Association, International Wildlife Coalition, Canadian Alliance for Furbearing Animals, Canadian Environmental Law Association, World Society for the Protection of Animals, Ontario Hawking Club.

"(3) That any cancellations from the above list will be filed by the Chair in consultation with the clerk.

"(4) That the deputants will be offered 10 minutes in which to make their presentation.

"(5) That an advertisement will be placed on the Ontario parliamentary channel.

"(6) That ministry staff will be available throughout the hearings to answer any questions that might arise.

"(7) That the clerk has the authority to begin implementing these decisions immediately.

"(8) That the Chair is authorized to begin the meeting punctually, even if all parties are not represented.

"(9) That the deadline for written decisions is Thursday 11 December 1997.

"(10) That any amendments should be delivered to the clerk of the committee by 2:30 pm on December 11, 1997, if possible.

"(11) That there will not be any opening statements during clause-by-clause consideration of the bill.

"(12) That the Chair, in consultation with the clerk, will make any other decisions necessary with respect to this bill."

I move the adoption of this report.

The Vice-Chair: Any discussion?

Mr Mario Sergio (Yorkview): Madam Chair, on number 12 I think it was discussed that we would leave it up to the Chair and the clerk as to the deputants and not necessarily as to the bill. Can I have this clarified, please?

The Vice-Chair: I believe that it's normal that any small decisions to be made related to the consideration of the bill would be done by the Chair.

Mr Sergio: I guess it's more an explanation. I don't want you and the clerk to have any say with respect to the bill itself.

The Vice-Chair: No.

Mr Sergio: That's the way I read it.

The Vice-Chair: I think it's the question of the way in which the bill is passed.

Mr Sergio: All right.

The Vice-Chair: Any further questions? I call for a vote on this report. All in favour?

Mr Michael A. Brown (Algoma-Manitoulin): I would like to move that we also hear the Ontario Aquaculture Association, which was not on the list.

The Vice-Chair: We have to vote on the subcommittee report first. Agreed? Now your point.

Mr Michael Brown: I would move we hear the Ontario Aquaculture Association.

The Vice-Chair: Any questions? It's first on the agenda.

Mr Michael Brown: They weren't read from the subcommittee report.

The Vice-Chair: I think the point about the cancellations and adjustments would be made and point 3 is the reason why they weren't included there.

Mr Michael Brown: As long as we hear them.

The Vice-Chair: Can I ask once again for clarification on the support of this subcommittee report? All those in favour? Thank you.

FISH AND WILDLIFE
CONSERVATION ACT, 1997

LOI DE 1997
SUR LA PROTECTION DU POISSON
ET DE LA FAUNE

Bill 139, An Act to promote the conservation of fish and wildlife through the revision of the Game and Fish Act / Projet de loi 139, Loi visant à promouvoir la protection du poisson et de la faune en révisant la Loi sur la chasse et la pêche.

ONTARIO AQUACULTURE ASSOCIATION

The Vice-Chair: I'm pleased to welcome all of you here today to make these submissions. We're going to begin with the Ontario Aquaculture Association, Julian Hynes. I'd like to explain that each deputation has 10 minutes and if there is time available, then we will go in rotation for questions. Good morning and thank you very much for appearing before us today.

Mr Julian Hynes: Thank you very much for accommodating the Ontario Aquaculture Association in this morning's hearings. I'd like also to acknowledge with thanks the assistance of Shelley Martel and Michael Brown in bringing this to your attention.

I'm the executive director of the Ontario Aquaculture Association. My name is Julian Hynes. I'd like to begin by letting you know trout farming is over 35 years old in Ontario. In 1996, production was approximately 4,200 tonnes of mostly rainbow trout, contributing \$50 million to the Ontario economy. Fish farming creates jobs and economic stability in rural and native communities, produces fresh, healthy food and creates fishing through stocking in both private and public waters. Ontario is blessed with abundant, high-quality water resources and excellent infrastructure. It's a great business opportunity in a renewable resource-based industry that is both environmentally sustainable and economically viable.

The Ontario Aquaculture Association would like to acknowledge with thanks the contributions of the Ontario government. The Ministry of Agriculture, Food and Rural Affairs contributes almost \$1 million annually, mostly through the University of Guelph, to research and services. The Ontario Aquaculture Association is also grateful for the support it has been receiving through a cooperative partnership agreement with the ministries of natural resources and ag and food.

The MNR has made its intentions known repeatedly, that it's interested in supporting aquaculture industry development and growth. It demonstrated this in 1995 by creating an expanded species list in regulation and by removing the \$50 stocking licence fee during this year. However, industry development is hampered by an overabundance of regulations, licences and permits. As many as two dozen are needed to establish a fish farm in Ontario. This is a case, in my view, of hyper-regulation by accident. No single agency can see the whole picture

facing the prospective fish farmer or investor. Each protects its own and the result is smothering development.

1000

This brings us to Bill 139, which offers a rare and unprecedented opportunity for the Ontario government to establish a more appropriate legislative framework to foster the responsible and sustainable development of aquaculture in the province. This is the primary legislation under which we are governed. It is time for change.

The MNR staff have taken positive steps recently to resolve three of industry's concerns:

Abandonment and spoilage of fish: The MNR staff have proposed an amendment to the bill by adding a subsection allowing an exception by regulation from subsection 36(5).

Labelling of transport containers for fish: The MNR has suggested that by regulation it would exempt this requirement under 57(1).

The ability to transfer licences on sale of properties would be authorized by regulation through 68(1).

It's important that these commitments be honoured. However, two critical amendments are still needed which will remove much of the business insecurity.

The first one is cancellation of licences. Subsection 75(1) provides for cancellation of a licence on an opinion considered "reasonably necessary for the conservation and management of wildlife or fish." "Reasonably necessary" does not require scientific proof. I submit that this is an unnecessary power when there are already substantial powers for licensing under sections 47 and paragraph 35 of section 110.

Fish farm licences should not be subject to the same cancellation powers as licences issued for harvesting wild fish. Businesses must be able to operate without the risk of licence cancellation. This particular clause can be a critical impediment to investment in fish farming. Fish farms require long-term security of tenure to operate. The Ontario Aquaculture Association seeks an amendment to section 75 providing for exemption via regulation of fish farms from the cancellation provision. In other words, we need an exception subsection there.

The second concern is regarding definitions. The Ontario Aquaculture Association recommends that farmed fish be distinguished from wild fish, which are the purview of conservation and management of fisheries. This constitutes in fact a legal recognition for farmed fish as a separate entity and is not dissimilar from other farmed animals treated in this bill. This will reduce the uncertainty about ownership and recognize ownership consistent with the policies in use by the MNR but giving it the weight of law.

The Ontario Aquaculture Association seeks an amendment providing a definition of "farmed fish," meaning fish raised under the authority of a fish farm or aquaculture licence.

In conclusion, the Ontario Aquaculture Association hopes that the Legislature will accommodate the industry's needs by making the two amendments suggested above. The association looks forward to working

with its partners in government to bring about a supportive legal environment which will foster investment in and growth of fish farming in Ontario. Thank you very much. I can take questions.

The Vice-Chair: Thank you very much, Mr Hynes. We'll begin with the official opposition. We have about two minutes per caucus.

Mr Michael Brown: Thank you, Mr Hynes, for coming to see us. Aquaculture, as you know, is widely practised in my constituency of Algoma-Manitoulin and it's an important industry.

I'm just wondering, when we talk about section 75, would you feel more comfortable with it if there was some kind of right of appeal to this decision? It seems very arbitrary the way it's written, and if we don't succeed in getting an amendment — it appears strange to me that there's no right to appeal a decision of the crown.

Mr Hynes: Certainly right of appeal would be a minimal requirement. The difficulty we face is in the powers of licensing and the idea is to put these conditions on licences up front and make sure that everything is appropriate before the licence is issued rather than after the fact trying to cancel it because of some wrong. We believe that the ability of our businesses to carry on their activities should be allocated and provided for at the beginning and not during their operations. We feel there can be enough safeguards in place for the licence issuing not to require this particular rather substantial power.

Ms Shelley Martel (Sudbury East): Thank you very much, Mr Hynes. You'll know that the ministry in the interpretation application has a definition for "culture." There's no definition for "farmed fish." Can you explain to us why the definition of culture in your view does not give you enough power in law to do what you want to have done?

Mr Hynes: It's not so much that the definition of culture doesn't give power; it doesn't distinguish a culture of private fish from fish cultured for fisheries management purposes. It has been indicated by ministry staff that there's no intention of licensing other sectors such as those who import live fish, the community fisheries involvement groups and indeed the ministry's own fish culture stations. We felt that it would be important for us to distinguish private property fish from the fish which are the purview of wild fisheries management. This is, after all, a conservation and management bill, not a bill affecting livestock in general.

Mr Ted Chudleigh (Halton North): Thank you very much, Mr Hynes, for coming in, especially on such short notice, for these hearings.

I understand the aquaculture business in Ontario has increased significantly in the last 10 or 12 years. I'm told it's sixfold since 1985, which indicates a rapidly growing industry and a rapidly expanding one. There have been a few problems associated with it, one I believe in Mr Brown's riding of Manitoulin where some water quality issues were put at risk and another I believe was at the east end of Lake Ontario with an escape.

Could you comment on either one of those two issues? Are you aware of them?

Mr Hynes: Yes. Fish farming is a risky business, in addition to having these various problems with regulation. The licensing provisions in this bill and, by the way, the land use permits under the Public Lands Act, provide for licensing and siting of aquaculture facilities. These will continue and they provide the powers necessary. In neither case would the current regime of licensing have made any difference to those two incidents.

Mr Chudleigh: It's a rapidly growing business and a new one. I guess we're all learning as we go.

Mr Hynes: It's a new one, it's a risky one, and we're trying to work with government to grow in an orderly fashion and to reduce the numbers of incidents such as those.

Mr Chudleigh: We appreciate your personal long-time efforts in growing this industry as well from the basis of Ontario's economy. Thank you very much.

The Vice-Chair: Thank you very much, Mr Hynes, for coming here this morning. We appreciate the input.

ONTARIO FEDERATION OF AGRICULTURE

The Vice-Chair: I would next like to call on the Ontario Federation of Agriculture, Ken Kelly and Peter Jeffrey. Good morning, gentlemen, and welcome to the standing committee. For the purposes of Hansard, would you please identify yourselves. As I explained, you have 10 minutes in which to make your presentation. If there's time available, we will ask the caucus for questions. Please begin.

Mr Ken Kelly: We certainly welcome the opportunity to spend the 10 minutes with the committee. I'm Ken Kelly, vice-president of the Ontario Federation of Agriculture. With me is Peter Jeffrey, who is senior research and policy analyst. I'd also like to introduce Steve Waterworth, who is attending this morning. He's president of the Ontario Deer and Elk Farmers' Association.

I think the first thing I would like to ask, Madam Chair, is if the brief that has been distributed to you could be entered into the proceedings and then we won't have to read it. That would then allow me the opportunity to try and do about a two-minute recap and then get into some questions. If we could do that, it would be very helpful.

The Vice-Chair: Certainly. The 10 minutes are yours.

Mr Kelly: Generally we are supportive of the intent of this act, yet while reading it we do find some problems that are centred under four major topics or headings.

The first has to do with the definition of the word "farmer." The definition of farmer in the Fish and Wildlife Conservation Act is substantially outdated, particularly if I might draw your attention to the part about a farmer being one who is "a settler engaged in clearing land for the purpose of bringing it to a state of cultivation." Frankly, it's more reflective of the 1880s than the year 2000.

1010

We recognize the need to define "farmer" in this legislation, and we suggest that the farm business registration number established under the Farm Registration and Farm Organizations Funding Act be utilized, or the definition from the Farm Practices Protection Act or the recently introduced Farming and Food Production Protection Act could be adopted. They are much more descriptive of the reality of farming, and some consistency between acts would be appropriate.

Second, trespassing is a major concern for farmers. Section 10 of the Fish and Wildlife Conservation Act should clearly indicate that entry into all premises in contravention of the Trespass to Property Act is prohibited. Certainly that is not clear as you read the act.

Subsection 10(5), land with a standing crop, at least should be rewritten to reflect that a standing crop includes pastures, orchards or other trees, vineyards and winter wheat, even when snow-covered, as well as lands fenced to contain livestock. The Fish and Wildlife Conservation Act should also reflect that if anyone does go on this land with permission, there is a need to leave all gates as they find them. Too often we find people who come on land either with or, more often, without permission, leave the gates open, and then of course the livestock wanders and strays. I think this act should probably reference the Trespass to Property Act as the cleanest and best way of ensuring that there is consistency between regulations and legislation.

Third, the Fish and Wildlife Conservation Act, 1997, places a more onerous compliance burden on fish farm operators as opposed to the operators of other livestock enterprises. Frankly, we find this unacceptable. We expect that fish farms be treated no differently than all other farm operations. Mr Hynes, ahead of me, mentioned that. If you read through our brief, you'll find a number of references to areas within this act that need to be cleaned and straightened and tidied.

Fourth, section 44, the rehabilitation of sick, injured or immature wildlife, and section 46, release of wildlife, pose concerns for farmers. We are not against the whole concept of releasing or reintroducing wildlife. We are supportive of that. We just don't want the raccoons reintroduced into our cornfields; we don't want the coyotes reintroduced into our sheep pens. There needs to be some practical balance in here to ensure there's a peaceful coexistence of all in the rural countryside. Predator damage to livestock is a significant problem. These sections certainly need some clarification.

I'm going to say that I was a little disappointed when we raised all of these concerns with the ministry and apparently the ministry, before bringing the bill to this point, did not take some of these concerns very seriously. I hope that at this stage, before we move to third reading — and I hope we do that very quickly — these four areas of concern can be dealt with, and dealt with appropriately.

I'd like to thank you very much for your time and I'd be pleased to move it into questions.

The Vice-Chair: Thank you very much. We'll begin with Ms Martel.

Ms Martel: Thank you very much for coming here today. You mentioned a number of sections that need clarification or cleaning up. I hate to ask you this because I recognize the time pressure we're all under, but has your association put together some specific wording with the sections that you're particularly concerned about that this committee can review?

Mr Kelly: Yes. It's all in the brief.

Ms Martel: I see where the sections are where you have some specific concerns. I was questioning whether or not there was some actual wording.

Mr Kelly: Did we actually go back through the brief and rewrite it? No, not in the last two days.

Ms Martel: No, just the sections that you had some concerns about. Sorry.

Mr Kelly: We'd be prepared to be as helpful as possible, but no, what we have in the brief is what we were able to bring today.

Ms Martel: That would probably be helpful to the committee. You'll know that we're doing the clause-by-clause this afternoon, so it's a bit of a time problem for us, but perhaps we can do some work on that with ministry staff or legal counsel who are here to try and see if we can accommodate those concerns.

Mr Kelly: I think within the brief we do, as we go through paragraph by paragraph, point out the sections that those paragraphs pertain to. We may have some extra information that we could try and leave today.

Mr Chudleigh: Thank you very much, Mr Kelly, for coming in today. It's good to see you again. I appreciate your brief very much and the four points that you've raised. The definition of "farmer" casts back a few memories. I think since the clearing of the land it's been a hotly debated issue.

Mr Kelly: I hope you're not suggesting that was an era that we both shared.

Mr Chudleigh: I've been accused of that.

Regarding your reference to the Trespass to Property Act, the references in the bill are there as a complement to that act. We've just asked for a quick review on that to see if there is some way in which we can tie that tighter, but we will have a look at that.

I appreciate your comments concerning fish farms. We are working with that. It's an area that agriculture and the Ministry of Natural Resources share.

We appreciate your coming in today.

Mr Kelly: If I could have a moment or two, certainly within the Trespass to Property Act it does describe what agricultural land is and also includes woodlots adjacent to farm land. That would appear to be somewhat overlooked here, as well as the whole issue of signage. Under the trespass act, when it comes to farm land, signage does not need to be in place for trespass to occur, yet a casual read of this act would cause a lot of confusion not only to enforcement officers but to people who may well not have the time or the inclination to go through the granting of permission that we would consider appropriate.

Mr Michael Brown: Mr Kelly, I appreciate your comments with regard to aquaculture. As the parliamentary assistant said earlier, there have been some problems with some aquaculture. My experience is that the producers themselves have been very helpful in resolving whatever problem would arise.

As a matter of fact, the problem that I think Mr Chudleigh was alluding to, for example, is being dealt with right now, where it was a problem with the specifics of the location, where the ministry also had a pen there earlier in the same location. I just wanted to tell you, I thank you for those comments because it is a growing industry and it has huge potential in the province of Ontario.

Mr Kelly: I would tend to agree. No farmer would want to see any escape, because that's his bottom line running out the back door. Nobody wants to see that. Farmers guard jealously against that happening. Both federally and provincially, we have substantial water quality and environmental legislation that already supersedes even this act. I think our concern is that the institution of another layer of regulation, legislation and bureaucracy may well be unnecessary and may be an onerous burden to people who want to pursue the ability to feed our population and export from our province in a safe and low-cost manner.

The Vice-Chair: Thank you very much, Mr Kelly and Mr Jeffrey, for appearing here before us today.

Mr Kelly: Again, thank you very much for your time.

WORLD WILDLIFE FUND CANADA

The Vice-Chair: I'd like to call on Monte Hummel, representing the World Wildlife Fund. Good morning, gentlemen. Welcome to the standing committee.

Mr Monte Hummel: Thank you. I'm Monte Hummel, president of World Wildlife Fund Canada.

Mr Dick Barr: I'm Dick Barr. I'm the chief operating officer of World Wildlife Fund Canada.

Mr Hummel: Good morning. I appreciate the opportunity to address this committee as you hear presentations on Bill 139.

First, two sentences about the organization I represent. World Wildlife Fund is the largest conservation organization in the world, with six million members and offices in 70 countries; we raise half a billion dollars per year worldwide for conservation projects and have supported over 10,000 conservation projects in 140 countries. We are not an anti-hunting or animal rights organization; rather we work for sustainable use of wildlife as a science-based conservation organization whose global goal is to stop and eventually reverse the accelerating degradation of our planet's natural environment and to help build a future in which humans live in harmony with nature.

1020

Second, if I may, two sentences about me. I was raised in the bush in northwestern Ontario in a family where hunting has been a tradition and a source of country food

for four generations; I earned pocket money as a kid plucking wild ducks and filleting fish; I am a former canoe guide on the Arctic watershed in Ontario; I'm a former president of the Labrador Retriever Club of Ontario and I'm a forester by training. All of this to me means I am personally familiar with and sympathetic to the lifestyle of people who live in the north, including guide outfitters and tourist operators; I am not personally opposed to hunting — in fact, I would probably do more of it myself if I had the time — and I am certainly not opposed to properly training hunting dogs, such as retrievers, for conservation purposes.

I am pleased to provide all committee members with a signed copy of a book my wife Sherry Pettigrew and I authored in 1991 on the conservation of large carnivores in Canada, including black bears.

To be clear, on balance, World Wildlife Fund supports Bill 139. It provides, in our view, long-overdue changes to the old Game and Fish Act. We were fully consulted and involved in its development. In fact, many of our concerns and ideas are reflected in the new act: for example, the very name of the act was one of our suggestions, that we get off the old "game and fish" tone and into a more progressive fish and wildlife conservation theme; designating non-game species for protection and on the appended schedule; and additional measures to protect bears — for example, no shooting of bears in dens, no shooting of bears while swimming, and I think most Ontarians would be shocked and surprised to hear that was possible, and no possession of bear gall bladders, which we know are being traded in some cases for traditional Asian medicines. We also appreciate that the new act was intended to be non-controversial in that it would only include those things where there was agreement among conservation groups. I know this was Mr Hodgson's wish, and I presume it is now Mr Snobelen's as well.

Nevertheless, I'm here today to propose one specific amendment that would improve Bill 139 and that is supported by an overwhelming majority of Ontarians. It is regarding the spring bear hunt. I want to make clear that WWF proposes this amendment not as an anti-hunting measure but as an ethical hunting measure to ensure what is called fair chase.

Fair chase is not a new principle to this act. For example, a hunter must make a reasonable effort to retrieve game. A hunter must kill it humanely, must hunt in seasons when game animals by and large do not have dependent young, must not shoot waterfowl with a rifle, etc. These are all fair chase provisions aimed at ethical hunting, and obviously not anti-hunting.

What are our problems with the spring bear hunt? The black bear is the only large mammal hunted in the spring of the year, which is a carryover from the old days when it was regarded as vermin. Continuing the spring hunt means black bears are hunted six out of eight months when they are not in hibernation, often hungry or in poor condition in the early spring.

In spring, hungry bears are lured to baits of meat and sweets, then shot at close range by hunters from a blind — the hunters are often guided or driven out to the blind — which requires no particular skill or natural knowledge of the animal or the bush. Spring baiting creates bears habituated to human foods which then become problem bears later in the summer, when they are often killed as a nuisance.

Dogs are sometimes used to chase bears, harass them, corner them, attack them — which can be dangerous not only to the bears but to the dogs — or to tree a bear, and the bear is then simply shot out of the tree. Often radio telemetry is used to locate the dogs, and therefore the bear. Chase by dogs may mobilize and disturb female bears more than usual in the spring, and there's growing concern in the scientific literature about what baiting and mobilizing bears in the spring with dogs does to their natural movement and ecology.

Approximately one third of the bears killed in the spring are females, which is always the most conservation-sensitive segment of the population. Although it is illegal to kill females with cubs, this inevitably does happen, and often females may protect cubs by leaving them behind and going into the bait alone. Cubs are orphaned; they die of starvation or predation. All this for a 90% non-resident hunt which is therefore not part of what could be legitimately regarded as Ontario's hunting heritage.

We are aware of counterarguments that this kind of hunt is more humane because of a clean shot at close range, but find this unpersuasive. This is clearly not fair chase, not hunting in any ethical sense of the word, which is why many hunters, including myself, find it distasteful and would never participate in it. Neither does any aboriginal person I know of in Ontario or in Canada.

I believe the spring bear hunt is as degrading to those who participate in it as it is to the bears themselves. This view is even more strongly reflected in Ontario public opinion. Although only 11% of Ontarians hunt, 34% are prepared to support hunting in principle, but not if it is unfair chase or unethical hunting. That is why 70% are opposed to the spring bear hunt. We've provided you with a recent poll done last week by John Mykytyshyn of Bradgate Research.

WWF is also aware that ending the spring bear hunt may cause economic hardship to a small number of tourist operators who are currently receiving revenue from the hunt. We have more sympathy for this argument. Therefore, if necessary, we are prepared to support a possible phase-out of the spring hunt over one to two years to allow for a transition. Further, WWF represents a funder who will provide major financial support for cooperative pilot projects to effect a transition from the spring bear hunt, especially in partnership with the provincial government, for example, through the northern Ontario heritage trust fund.

These are our specific proposals for amendment of Bill 139, in order of preference:

(1) Ban the use of bait and dogs for hunting bears during all seasons and end the spring bear hunt.

(2) Simply end the spring bear hunt.

(3) Simply ban the use of bait and dogs for hunting bears during all seasons.

Number 1 meets all of our concerns, as our preferred option. Number 2 meets most of our concerns because it ends the spring bear hunt and discontinues bait and dogs when they are most used for hunting bear. Number 3 is third best because, although it bans bait and dogs, it still allows for a spring hunt and orphaning of cubs when females are killed.

I leave it to the committee to choose which option you choose, but I really hope this committee will make a good bill better with one of these specific amendments. Let's give Ontario's bears a spring break.

I've tabled in your package the specific amendments, by section, that we would propose to the bill. Thank you.

The Vice-Chair: Thank you very much. We have time for one question from the government side.

Mr Frank Klees (York-Mackenzie): Thank you very much for your presentation and thank you for the book, and on behalf of my colleagues. I see that it's signed as well.

I have to say to you that I certainly empathize with your presentation regarding the spring bear hunt. On the one hand, we have to deal with the ethical implications here, which I think bear heavily on all of us. On the other side is the economic reality.

Could you elaborate on what you have in mind in terms of a transition period and how you feel we really can address the financial concerns that affect lives in northern Ontario?

Mr Hummel: As I said, our first proposal is to perhaps phase this in so people are given a chance to transition into a change towards different activities in the spring. Often the hunt is offered in connection with a fishing package, so there are other revenues coming in at that time of the year. Second, we do have a funder who is prepared to invest significantly in specific projects with guide outfitters to help capitalize alternative equipment and to facilitate a transition.

In response to your question, the Ministry of Northern Development and Mines recently, at one of the Lands for Life round tables, presented some interesting information as to the economic prospects of ecotourism and moving away from this kind of activity, particularly in the spring. The kinds of numbers we have are: Tourists spend \$1.1 billion in northern Ontario annually. Over 26,000 people are employed in this industry. This constitutes 73% of the north's employment, surpassing the mining sector. There are at present over 4,000 accommodation establishments and facilities in northern Ontario, 2,900 in resource-based tourism —

The Vice-Chair: I'm sorry, Mr Hummel. We've run out of time.

Mr Hummel: Well, the ministry goes on to say that the direction is towards ecotourism and that this is the

growth area, so I think there are economic prospects in this area.

The Vice-Chair: Thank you very much for coming here today.

1030

ANIMAL ALLIANCE OF CANADA

The Vice-Chair: Is Liz White here, Animal Alliance? Good morning and welcome to the standing committee.

Ms Liz White: Good morning. My name is Liz White. I'm with an organization called Animal Alliance of Canada. We're a federally incorporated not-for-profit organization. We have about 10,000 supporters in Ontario.

I would like to say initially that we have been working very hard, as many of you know from talking to us and seeing us in the halls, in support of a ban on the spring bear hunt and bait and dogs. But obviously our interest goes much extended into the act in terms of changes.

We also participated in some of the discussions regarding the act, and parts of the act reflect those discussions. However, we have some concerns about the act and I'd like to ask for some amendments to the act.

My apologies: There's a highlight of the amendments we're asking for and there are only nine copies of those. But I've also circulated to you an analysis of the fish and wildlife act that was done by Murray Smith. Some of you have Murray's CV. He was previously with the Ministry of Natural Resources doing legislative work for about 18 years. He does a clause-by-clause analysis of the act and I would ask you to refer to that when you're doing the clause-by-clause this afternoon.

I'm just going to touch on some key areas and then we can open it up for questions.

I would like to ask members of the committee to consider adding a new section to the act. The addition would be the issue of sustainability. That is not addressed in the act at all. The amendment we're recommending reads:

"The crown shall ensure that the actions authorized under this act or regulations are compatible with ensuring the ecological sustainability of wildlife which are the subject of those actions and this section should be binding on the crown."

I'm just going to go through a series of amendments. We've included some cleanup of some of the definitions. There's one on the third page, an additional definition, because we feel that the trapping issue does not deal with the rehabilitation situation where animals may be trapped for release. We've offered a suggested amendment definition to that under "other trapping devices."

Under part I, interpretation, clauses 1(2)(b) and (2)(c), we've asked for some amendments, under clause (2)(b) to amend the act to include products and derivatives, such things. It's talking about "reference to the whole or any part of" an animal. The problem is that when it becomes part of a pill or powder — it's our feeling that the definition then is clarified as to what the intent actually is.

It's the whole animal, part of the animal, and any derivative that comes from the plant or animal that may be discussed in that.

Under the amendments that cover black bears in dens, we suggest that subsection 8(5) be amended because it allows the minister essentially to contravene that part of the act. We're suggesting that it read: "The minister may authorize a person to conduct specific activities that would otherwise be prohibited by this section, subject to regulations." Essentially, that would mean it's not a blanket exemption. It's trying to say that there may be circumstances under which those exemptions may have to happen, but it must be related to specific activities and it has to be subject to regulation; it just can't be a blanket exemption.

With regard to trespassing under section 10, we're asking for a new addition. Land owners complain of dogs being allowed to run through their property to flush out deer. This amendment I think addresses that. I'm asking that you consider that.

"Obstruction of hunting, trapping or fishing": This is an outright prohibition of tampering, I suppose, with trapping lines or whatever. I would suggest to you that's seriously problematic. If my dog were caught in a trap, I can tell you I would take it out, and I would be in contravention of the act. I'm asking that that be changed to say, "A person shall not interfere with the lawful hunting, trapping and fishing, except in circumstances prescribed by regulation," so that there's an ability to address particular circumstances under which somebody might take on that activity.

The baiting: This act does not address baiting of bears. In order to be able to regulate it, I think that's an important aspect. Whether you consider to ban it or not, if you don't consider to ban it I think it's an important activity to regulate. We regulate virtually everything else with regard to big game species, and the baiting of bears is not outlined here. We've recommended two amendments as outlined under the baiting of black bears. I won't read them.

We're asking for two additions to section 23, with swimming bears, and that no person shall hunt black bears under two years of age; those are cubs. Many other provinces have that provision. Most other provinces do not allow a bear hunted under a year of age.

The other area that many provinces deal with is that no person shall hunt black bears that are in family groupings; in other words, it's where there are cubs and mothers involved. In many circumstances, many provinces do that.

Licensing of dogs: If you're going to license dogs for deer, moose, caribou and elk, you should license them for bears as well.

Private property: This is the defence of property with wildlife. In many other provinces you're not allowed to kill a wild animal in defence of property if it's perceived as being a threat to the property or where it is a threat to property, unless all reasonable measures are taken to mitigate against that animal's activity. We're asking that you remove "or is about to damage" out of that section and insert "only after taking all reasonable measures to discourage wildlife that is damaging the property." We

would ask you to add a prohibition on the capturing or killing of endangered species.

There are a number of other exemptions that we have asked for. I want to skip to the last one because I know I'm short on time.

We're asking you to remove subsection 62(6). That provides a massive loophole and exemption with regard to the act and regulations in terms of ministerial authority. We feel that in those circumstances where a minister takes a position that may be in contravention of the act, there are powers already existing that allow that to happen.

The Vice-Chair: Thank you very much. I think we have time for one question from the Liberals.

Mr Michael Brown: I particularly appreciate your presentation in light of the fact that you've given us some very specific amendments. Given our time restraints, that's important.

To focus on the first one you've suggested, I know, having gone through Bill 171, the Crown Forest Sustainability Act, that this seems to be where the ministry and where society should be in terms of encouraging ecological sustainability. I wonder if you could expand on that a little for us.

Ms White: It's quite clear the initiatives that are going forward federally, internationally, are to address the issue of sustainability, and that activities globally under CITES, under the biodiversity agreement, under the Brundtland agreement, a number of situations, address the issue of sustainability. I think it behooves us to include that in this particular act as well so that we understand that all the activities encompassed in this act are measured against what is sustainable for the activity and for the species we're talking about.

The Vice-Chair: Thank you very much, Ms White, for coming today.

1040

BEAR ALLIANCE

The Vice-Chair: I'd like to call upon Ainslie Willock of the Bear Alliance. Good morning, Ms Willock. Welcome to the committee.

Ms Ainslie Willock: My name is Ainslie Willock. I'm very pleased to be here and have this opportunity to speak with you to present the Bear Alliance's comment on Bill 139. I sit on the Canadian General Standards Association's trap development committee. I participated in the eastern and western black bear workshops and a recent conference on bear-human conflicts, and the Bear Alliance was part of some Ontario bear stakeholder meetings.

You have copies of my presentation. Included at the back, you'll find a statement that was released by the previous Minister of Natural Resources, the Honourable Chris Hodgson; the Quebec government's new bear management plan, which we're just waiting to be signed into law; and also a paper that was prepared by a number of managers, biologists etc that was presented at the western black bear workshop in 1973.

That, as you can probably guess, discusses the issues of the spring bear hunt and the use of bait and dogs to hunt

animals. As resource managers, they are confronted with the general public's concerns and the hunters' concerns and they felt it was important to have a discussion document. It's really quite interesting to review.

We're very pleased that this government has seen fit to make changes to its wildlife act, something that has not taken place for many years. We're also very pleased if this bill will actually ban the possession of black bear galls and allow government to protect animals that originate in other provinces. These measures and others are long overdue. We applaud the government for its responsible actions to stop the trade on bear parts. However, we want to make sure that this act actually accomplishes those aims. Consequently, in order to make best use of the time, I'm going to concentrate on the areas we have problems with rather than talking in glowing terms about all the things we like about the bill.

One of our first major concerns has already been referred to by Liz White, and that's subsection 62(6). This section, which allows the minister to overrule all aspects of the act, would mean that you could literally have no hunting and fishing in this province if the minister wished or you could have hunting and fishing with no restrictions, so I think this is something that all politicians and all stakeholders should have real concerns about. I think we need a real act with real regulations and prohibitions. The minister or a future minister could overrule any ban on the sale and possession of black bear galls, for instance. We recommend that this part of the act, subsection 62(2), be removed. The act does not manage wildlife in a sustainable manner, and again Liz White adequately dealt with that subject.

The other concern is loopholes in the act. It's on page 3 of my presentation. I have repeated what was actually in the Honourable Chris Hodgson's press release. Well, I don't know that it was a press release, but it was a statement as to how Bill 139 would actually help black bears. There were a number of excellent measures there. My concern is that these measures really won't be reflected in the act because of loopholes. One example, as I understand it, is that it may be possible for someone to farm grizzly bears in Ontario and then sell their gall bladders for the parts trade. I'd like a reassurance that that wouldn't be allowed under this act.

The next major area is ethics and bears and this act. The act prohibits the hunting of bears when they're swimming. We applaud the minister for making an ethical decision to ensure that bears are not hunted when they are vulnerable. However, the ministry doesn't even collect data on how many bears would actually be affected; they don't know how many are shot when they're swimming. But we do know that in 1995 about 7,000 bears were shot as they were eating at bait sites, and certainly they're vulnerable when they're eating. We also know that one out of nine bears was wounded. To me there's no difference between the vulnerability of a black bear when it's swimming and the vulnerability when it's eating. We don't hunt any other large mammal over bait, and baiting doesn't ensure a humane kill and it doesn't prevent

females from being killed. About 30% of the bears killed are female and most are shot over bait.

Wildlife managers observed, in the Tom Beck discussion paper I included, that the public view hooking an animal to an artificial food source and then blasting it away as similar to worm fishing at a fish hatchery. There simply is no sport. The act must have a clear prohibition against baiting bears, and I've included a draft of what I thought that amendment might be.

The spring bear hunt: Bears are the only large game animal hunted in the spring, a time when the females have dependent young and are mating. The Ministry of Natural Resources estimates that 274 cubs, four to five each day of the spring hunt, are orphaned. These cubs die a painful death. Bears can lose up to 40% of their body weight after hibernation — that's mothers — and are readily attracted to bait sites. They're the only large game animal that are hunted six months of the year. The only way to prevent orphaning is to ban the spring hunt. Clearly, there are ethical reasons to ban the spring hunt and the act needs to be amended to do so. I've again suggested an amendment.

The use of dogs to hunt bears: Dogs are used to hunt, chase, corner and attack bears. They can even start that chase at a bait station. Again, it's the only large mammal which dogs are permitted to chase and attack. Once Quebec's new black bear management plan, which I've included, is signed into law, only the NDP government in British Columbia will allow dogs to hunt bears. It's time that Ontario banned the use of dogs. Both the bears and the dogs are injured and killed in this unsportsmanlike, unethical practice. Again I've suggested an amendment.

Hunting bear cubs and family groups in the fall: In the fall, bear cubs are actually still nursing. They're not dependent on their mother for food, but they are still nursing. Some 11% of the bears shot in the fall are cubs and 77% are shot over bait. Clearly, these animals are babies and haven't even gone through their first hibernation. The Yukon and British Columbia governments have prohibitions on killing cubs under two years of age; the Northwest Territories, Alberta and Manitoba prohibit the killing of cubs under one year of age. I've made a recommendation that no person shall hunt black bears under two years of age or in a family grouping.

Wildlife managers are seen to be quite inconsistent when they allow certain species to be treated one way and then another a different way. It's only black bears that haven't been afforded the same kind of protection as other big game species. The state of Colorado had a citizen initiative to ban the spring bear hunt and the use of bait and dogs; 70% of voters supported a ban on these practices. Polls show that the public had a concern for the health of the population and fair play. Ontario polls indicate that the majority of the public oppose these practices here as well. Bears have the second-slowest rate of reproduction of any North American land mammal. They're solitary and live in the forest, so they are notoriously difficult to count. Consequently, we can't take them for granted and we must be very cautious in our management plans.

Quebec's bear situation is comparable to Ontario's, yet they have implemented a new black bear management plan and acknowledge that they're seriously concerned about the viability of their population. Ontario needs to take similar measures.

Bear-human conflict: Bears come into conflict with humans when they are hungry from a shortage of natural food. Many Ontario residents don't know how to react when they see a bear that has been attracted to food sources on their properties. Even biologists only learned about the true nature of bears about 13 years ago when Dr Lynn Rogers began walking with bears. Bears are solitary animals whose main concerns are eating and avoiding other bears.

Bill 139 would make it legal to kill these bears even when there has been no demonstrated damage to property or threat of personal injury. We need long-term solutions. We need to do the preventive work by removing the attractant food and educating the public about bear behaviour. In most cases, shooting the bear just creates an opportunity for another bear to become a problem. Again I've indicated how you could amend the act to achieve that end.

My last comment is about polar bears in the act. Polar bears aren't listed in this act and I'd like a clarification as to what would protect polar bears in Ontario.

I'd like to thank this committee very much for this opportunity and I look forward to the bill passing into legislation with the amendments we've offered.

The Vice-Chair: Thank you very much. You've effectively exhausted your time available. Thank you for coming.

TORONTO WILDLIFE CENTRE

The Vice-Chair: I now call upon the Canadian Alliance for Furbearing Animals, Nathalie Karvonen. Good morning and welcome to the committee. You have 10 minutes in which to make your presentation.

Ms Nathalie Karvonen: I'm here with permission from CAFA. I'm actually with the Toronto Wildlife Centre — I'm the executive director of the Toronto Wildlife Centre — and I'm also a biologist. I have a honours BSc in biology from the University of Guelph.

There are a few points I wanted to address today. In section 40, I would strongly recommend that there be a change in the wording to "any animal wild by nature." Under the current wording that has been proposed, it does allow for a person to keep captive bobcats, coyotes, foxes, lynx, wolves and other animals. I'm sure we can all agree that there are situations where that would be problematic. Just a week and a half ago, we were dealing with a situation at the Toronto Wildlife Centre where a woman had a wild, captive adult lynx in her home with her two small children and she was reluctant to give it up for whatever her personal motivations were, but under wording like this she would be allowed to do so.

1050

I think either changing the wording or changing the wording and then simply adding, "with the authorization

of the minister," might rectify this problem. Also, in clause 40(2)(b), when it talks about animals "in captivity for the purpose of personal education," I would strongly suggest here that there be an addition to this section of "with the authorization of the minister."

I am especially concerned with the section that lists the specially protected mammals here. One of the specially protected mammals which you have listed is the big brown bat and many other species of bats, which are potential rabies vector animals. I would hate to see children being allowed to take home bats or whatever other situation you would classify as personal education. People often do things like this without even realizing what type of situation they are putting themselves, other family members and friends into. I think simply adding, "with authorization of the minister," would take care of this problem.

There are other animals that are covered under specially protected mammals, such as chipmunks and northern flying squirrels, which, if they were found as babies and kept for the purpose of personal education and released — there's also an exemption for that, I think two pages later — without permission, you could be releasing potentially nuisance animals or potentially dangerous animals into the population, because these are animals which have probably been tamed, because you do specify a single animal, and therefore would end up being nuisance animals. We see this over and over again in wildlife rehabilitation, when people have raised one single animal by themselves.

The other section that — actually it is not really a section in here, but I really want to strongly urge you to include a specific section which deals with wildlife removal companies. Forgive me. I'm very tired. I just got back from Milwaukee late last night. I was at the fish and wildlife conference down there, so I'm fumbling a bit. Wildlife removal companies are a really big area of concern for us in wildlife rehabilitation.

I'd really like to see licensing required for wildlife removal companies. If you're keeping track of how these companies are growing, it's a very, very rapidly growing industry. If you open the yellow pages in any major city in North America, you'll see these companies listed. We get about 30,000 phone calls a year at the Toronto Wildlife Centre from members of the public, and a large number of those calls come in, asking about nuisance situations, how to resolve them or what to do in the case where they've hired a wildlife removal company and had problems with them.

The public is under the assumption that these companies right now are licensed, which they are not, and we are finding that to be a problem over and over again. The public is assuming that somebody is watching these companies, somebody is governing what they do and somebody is ensuring that they act and behave properly when they're actually out there at their homes doing their work.

The other really huge problem I have with wildlife removal companies, which I think could be addressed quite well if there was a licensing system, is the fact that a lot of these companies are translocating animals. Almost

every company that you see in the yellow pages right now, with the exception of only one that I can think of, trap and relocate wild animals from people's homes. There are a lot of problems with trapping and relocating. There are certainly human health risks, which have been documented. The most commonly known example of this problem would be the raccoon rabies epizootic which is happening right now in the United States.

You are probably all aware that there is a huge raccoon rabies outbreak along the eastern seaboard. This is very well known to have been caused by raccoons which were trapped in Florida and relocated to Virginia, where they were released. The population in Virginia did not have a builtup immunity to this rabies virus which was common in the Florida population. An outbreak occurred and consequently has spread across the eastern seaboard and is now causing a lot of problems. A lot of other wild animals are contracting the rabies virus and there have been some human deaths from this disease as well.

Moving animals around by trapping and relocating them also poses great threats to ecosystems and other endangered species in the areas that these animals are being moved to. Again, the animals in the area don't have builtup immunities or resistance to diseases or parasites which are being brought in by animals from other areas. Right now there is no system for governing what these companies do with these animals. A lot of them are just taking the same animals over and over again to the same area, their favourite park, their favourite forest, and letting them go in sometimes very, very large numbers. Sometimes they are going to their cottage and they let them go on the way to the cottage. Consequently, these animals can be moved quite far.

Increasingly the public is looking for non-lethal solutions to dealing with nuisance problems with wildlife in their homes and they are looking for companies who will not kill the animals, so therefore they're are very lured by these companies that say that they were humanely trapped and moved out to a nice forest somewhere.

The last problem with trapping and relocating, which is a concern I think to all of us, is the enormous amount of babies generated by moving lactating females out of the area where her babies are located. Each year this is a problem with hundreds and hundreds and hundreds of homeowners, where the adult females are moved out of the area and the babies are left behind. Typically what happens is that the local municipal animal control agency is called upon to pick up these babies. Not only does this create an enormous strain on the resources and money of the local animal control agencies, but also the public is increasingly demanding alternative solutions for this.

Typically an animal control agency will have to not only have a staff member come out and pick up the animal, but then will have to bring it back to the animal control agency. They have to have the cost of having a technician or veterinarian there to euthanize the animals, and this process just happens over and over and over again, if you talk to any of the municipal animal control agencies. It is our tax dollars that are going into cleaning up these situations created by these companies.

I think those are pretty much all the points I wanted to raise. Again, I've heard that there's a new group that has been assigned to assign licensed trappers to deal with wildlife removal, and I just strongly urge that this be dealt with as a separate specific section. Wildlife removal companies, if they are responsible wildlife removal companies, not only just go out and take the animal out of the problematic situation, but work with the homeowners to make sure that there's a long-term solution, make sure that the animal is not going to get back in their attic or another animal will get back in their attic, make sure that there aren't areas of their house that are vulnerable to other species.

If it's a reputable company, they'll recognize problems that have been created by the animal, for example, wires being chewed in an attic. They'll also go in and do a proper, sterile cleanup with proper cleaning agents which will eliminate any possibility of disease transmission from faeces left behind in an attic or situations like that. I don't think that a typical trapper who is just skilled in trapping animals will have the enormously broad knowledge base that these companies working in a very builtup, urban situation will have to deal with. Thank you very much.

The Vice-Chair: Thank you very much. I think we have time for a quick question.

Ms Martel: If you were going to license such companies, what would be some of the conditions that you would have around licensing?

Ms Karvonen: There is actually already a group of wildlife removal companies that is coming together on their own and they are actually suggesting that they have a self-regulatory system as a lot of other types of organizations do. They are proposing things like classroom education training; that they will have to have a certain number of classroom hours where they will learn about all the different aspects of wildlife removal and wildlife control, especially in urban areas. They'll have to write a written exam, and I would imagine have to do a practical exam of sorts as well. They also have included a continuing education component because this is a situation that's always changing as cities are always changing. Those were the main things that they brought up.

I think that education is a really big part of it, the fact that they have the knowledge to draw from, that there is an official licence that they will have which they can put in their ads, they can show to members of the public, and also a tool that we can use to say to members of the public, "If you're looking for a reputable company, look for this licence."

The Vice-Chair: Thank you very much, Ms Karvonen, for coming here today.

1100

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Vice-Chair: I'd like to call on David McLaren, the Canadian Environmental Law Association. Good

morning, Mr McLaren, and welcome to the standing committee. You have 10 minutes in which to make your presentation.

Mr David McLaren: Thank you very much. I'll see how quickly I can talk. I'm going to have to refer to the brief in many instances with respect to specifics, so I'll tell you what page I'm on when I get there. Our chief concern is with subsection 62(6), and the quote is here. It's in the middle of the first page: "The minister may, in an authorization given under this act, permit for the purpose of the authorization any act or omission that would otherwise contravene this act or the regulations."

It's clear and self-explanatory and begs the question, why bother with the legislation? There is a great danger here that the minister, not the Legislature, not even cabinet, can authorize anything that would contravene the act. We are especially worried about the ramifications for specially protected species, the management of fish and wildlife, and the potential for delegating ministerial management authority and responsibilities to non-MNR staff. Right now there is only one section that prevents him from delegating his job to non-MNR staff when this Bill 139 is passed.

It is section 7(1) of the Ministry of Natural Resources Act which, so far at least, allows the minister to delegate responsibility to MNR staff only. There were apparently earlier draft amendments that would have allowed the minister to delegate his authority to persons and organizations outside the MNR, which is evidence that there is a willingness there in the MNR to do that.

Nevertheless, the effect of Bill 139, as it is written, may well be a delegation of MNR management responsibilities to groups outside the MNR. However, before we ask who these groups might be and why we should be worried, let's look at some specifics. I'll skip down a couple of paragraphs.

Section 31(2) allows a property owner to "use an agent to harass, capture or kill" wildlife the land owner believes is about to damage his property. However, 62(6), the one we just targeted, may mean the agent authorized by the minister may contravene section 31(1) and any other section of the act, including the prohibition against harassing, killing or capturing the animals listed in section 31(3), including, it would appear, specially protected wildlife.

Section 61(1) allows the minister to "authorize a person to issue licences on the minister's behalf." Now, the Canadian Environmental Law Association is not against allowing local marinas, tackle shops and hardware stores to issue fishing licences, although we wish there were a better way of controlling the large number of anglers who pressure a fishery. However, will this section also allow the minister to delegate to anyone one of his primary tools for conserving Ontario's natural resources? If so, it appears to fly in the face of section 7 of the Ministry of Natural Resources Act, which restricts such delegation to the deputy minister or any other employee of the MNR. It may be one thing to have the trappers' association licensing its members, but it's quite another to

have members of a rod and gun club doing it. If such persons can, under section 61(1), would their delegated authority extend to issuing aboriginal communal fishing licences?

Section 62 provides no comfort to this concern, for it is this section, section 62(6), that permits the minister, by means of authorizations, to do virtually what he wants, including, it must be assumed, authorizing anyone to do it, even, for example, to hunt, trap and fish without a licence which is under section 66.

Section 87 is the appointment of conservation officers, which I believe is a problem under the Game and Fish Act as well as under this one. Again, if 62(6) prompts the minister to authorize other than MNR employees to carry out some of these functions, there is great potential for chaos in the field.

The next section deals with the impact of Bill 139 on specially protected species. Section 2 of the Fish and Wildlife Conservation Act seems to be a way of protecting the specially protected species listed in the schedules of Bill 139: Where there is a conflict between Bill 139 and the Endangered Species Act, the "provision that gives the animal, invertebrate or fish the most protection prevails." The trouble is, there are very few species and in fact no fish designated as specially protected under Bill 139 that are also designated as endangered under the ESA, and there are no fauna and no fish, as I said, designated as specially protected. So there is virtually no conflict between the two acts.

That leaves most of the species listed as specially protected under Bill 139 at the mercy of the minister, by virtue of 62(6). Also, in 31(6), for the sake of defence of private property, quoting from the act, "Sections 5 and 6, clauses 11(1)(a) to (d), section 27 and such other provisions of this act and the regulations as are prescribed by the regulations do not apply to a person who harasses, captures or kills wildlife under this section." That's under section 31, private property. However, section 5 prohibits the hunting or trapping of specially protected species and section 6 requires a licence to hunt or trap. Both sections are waived for someone who is protecting their property.

We have a number of other specific concerns with respect to Bill 139 and specially protected species, but the short of it is that when it comes to the protection of endangered or specially protected species, Bill 139 does not improve on the Endangered Species Act and, in our opinion, Ontario's endangered species remain in danger.

Page 4, "Whom Does the Act Benefit?" puts the act in the context and I think details why we are concerned that the MNR will devolve management responsibility to the recreational industry.

The values that emerge from Bill 139 favour the protection of private property as opposed to the protection of wildlife while ensuring reasonable protection of property and the recreational use of fish and wildlife to the exclusion of other users, including first nations who, as it happens, have constitutional aboriginal and treaty rights to Ontario's fish and wildlife. We notice in the list of who was consulted in the drafting of this bill, and how they

were consulted, the recreational industry was well consulted but first nations were simply sent information. I am told by the Chiefs of Ontario office that they did not even receive a notice. This we find exclusionary, given the priority nature of aboriginal rights under the 1982 Constitution Act.

In an internal memo, the management committee of the MNR received this advice:

"If Ontario is genuinely interested in conservation of wildlife and fish or in facilitating hunting and fishing for sports purposes by the public generally, and if the exercise of control over the taking of wildlife and fish by persons who have aboriginal and treaty rights to do so is an element in the attainment of effective conservation or facilitation of hunting and fishing for sports purposes, Ontario must amend its laws."

Apparently the MNR feels native rights to fish and wildlife are an impediment to hunting and fishing for sport purposes.

We have serious concerns that the broad powers given the minister under Bill 139 will eventually lead, without further consultation with other users, to the devolution of ministerial management authority to the recreational industry. We do not believe this will forward the public interest in conservation of fish and wildlife and we believe it will be prejudicial to the constitutionally protected priority rights of first nations who have found themselves, to put it kindly, at odds with many sportsmen's organizations.

The next section offers more evidence of our concerns. The makeup and the mandate of the Fish and Wildlife Advisory Board is troublesome. It is predominantly made up of representatives from the recreational fishery and it apparently has more than just a say on how those funds are spent. According to Phil Morlok, its mandate extends to commenting on the distribution of other funds from consolidated revenue for the purpose of fish and wildlife management and advising the minister on other proposed policies or programs related to fish and wildlife.

At the Ontario Federation of Anglers and Hunters' annual meeting in February 1997, the Minister of Natural Resources, Chris Hodgson, listed the following promises the MNR has kept to that federation. There's a list here and the bottom three are more partnership programs with OFAH clubs, especially in managing hatcheries; to review how the MNR can improve customer service by meeting with dozens of sportsmen's groups; to meet with OFAH clubs about their concerns about fisheries in Lake Simcoe and Lake Huron.

Then the minister outlined the four goals of the MNR: first, overcoming impediments to fishing and hunting; second, to increase opportunities for sportsmen; third, marketing Ontario's natural resources; and fourth, improving communications between the MNR and the OFAH. The MNR will achieve these goals, he said, alongside its partners from the OFAH. The ministry is in the midst of a transition to privatization, for example, hatchery management, and in this vein resource-based

tourism will become a major component of land use management.

The Vice-Chair: Excuse me, Mr McLaren. I'd like to remind you that you're almost at the end of your time.

Mr McLaren: All right. You will notice that none of these goals speaks of conservation. We believe the cosy relationship between the MNR and the recreational industry will, if Bill 139 becomes law, swiftly progress to a legislatively blessed partnership. We believe that, in such a partnership, conservation will be very poorly served.

There is some scientific evidence for our concerns regarding how the ministry has dealt with certain management practices around stocking, and then our summary.

1110

WORLD SOCIETY FOR THE PROTECTION OF ANIMALS

The Vice-Chair: I'd like to call upon our next deputant, Mike McIntosh, the World Society for the Protection of Animals. Good morning, Mr McIntosh. Welcome to the standing committee.

Mr Mike McIntosh: I would like to thank the Chair and the committee for allowing me to have a few moments to talk to you today. There have been many good points made on this important bill. One thing I'd like to emphasize is that the bill is important and we have to persevere and get it through.

My name is Mike McIntosh. I am representing the World Society for the Protection of Animals, commonly known as the WSPA. I operate an organization called Bear With Us, which is a sanctuary and rehabilitation centre for bears, and I work solely with bears.

In front of you, you have two photographs, or a combination of, plus a brochure called Bear Safe. This past summer, WSPA published this brochure as an information vehicle for people who want to learn how to coexist with bears in central and northern Ontario and it has been extremely well received. I was a partner in that because when people had a bear problem, I received the calls.

Next year, 1998, will be my seventh season working with wild bears. Each year there are 100 to 120 nuisance bear calls that I receive. I relocate approximately 10% of the potential nuisance problems.

I have a close working relationship with the local Ministry of Natural Resources office in my area, which is Huntsville, or the Parry Sound district. It results in success in the education of the public to coexist with bears in the summertime. Many times we're talking about cottagers who only come up on the weekends or for a brief period of time, and just as often, we're talking about permanent residents. I receive 10 to 30 bear cubs and wounded adults every year for rehabilitation and returning to the wild.

As I mentioned before, there have been some excellent recommendations on how to improve this important bill. Because I work as a rehabilitator, what I see encompasses

a lot of what we've already heard. The first picture you see in front of you, if you want to pick it up, please, is a very, very thin grizzly bear. That grizzly bear resided in Ontario for the last 10 to 12 years. That bear is an example of what happens when circuses don't want their animals any more. You can basically give the animal or sell the animal to anybody who has the money.

I think it's important that in Bill 139 we make a clause that eliminates the sale and breeding of captive wildlife, native or non-native to Ontario, regardless of origin, except by accredited zoos.

This bear wouldn't have been in the condition you see him in when I received him on October 2 of this year if it were illegal to purchase, sell or give for free wildlife for the purpose of pets, native or non-native, in Ontario. We're talking about captive animals.

Another thing I'd like to comment on is the cruelty involved in using penned wildlife to train dogs for hunting, and examples of methods being used to acquire certain species for this practice. I know of people who are using these compounds, building fences to house coyotes and wolves and putting bales of straw up and trying to bait wild coyotes and wolves into the enclosure by having them jump over the fence so they can train other people's dogs on them for money.

As already mentioned, methods of bear hunting in Ontario raise questions regarding ethics, cruelty, the orphans and the body parts trade. In my area, I often get calls about a bear that's found with its paws cut off and the gall bladder out.

I would recommend an end to bait and dogs when it comes to hunting bears, and the spring bear hunt, plus the implementation of controls for kill-trapping of bears, because right now there is no requirement for reporting how many bears are trapped.

One of the defences of baiting that is commonly used is that it allows the hunter to see the bear, pick his bear and then shoot it. Incredibly enough, there are over 1,200 bears wounded and lost by hunters every year. These are MNR statistics. That's 1,200 out of 8,000 to 8,500 estimated to be killed. It's a very high percentage, which indicates that baiting isn't working.

I spend a lot of my spare time working with so-called problem bears. We need laws requiring controls, accountability and requirements for solving the issues regarding problem bears in a responsible manner. I would recommend changing the law to make it legal to kill a bear in defence of property only after accepted methods have been tried and exhausted to remedy the problem without killing the bear. One of the reasons I recommend this is I also know of people who leave fish out in their backyards so it will attract a bear. Then they shoot the bear and the excuse is, "It was a nuisance." It's a huge loophole and there are a lot of bears shot simply because they are trained to be a nuisance on purpose.

I also mentioned I rehabilitate bears. Bill 139 has indicated a need for and a recognition of rehabilitators. We need to recognize that need for the animal species, plus the education to the public. I think licensing and

standards should be encouraged, and the Ontario Ministry of Natural Resources should be aware of the activities of rehabilitators and wildlife sanctuaries. That's because, as wildlife rehabilitators, we've got to make sure that we do what's good for the species as a whole as well as the individual. When it comes to relocating animals, moving animals around, we have to be cognizant of the possibility of transmitting diseases and creating problems in the current population.

If you have any questions, I'd be happy to try and answer them.

Mr Chudleigh: Thank you very much for your presentation today, Mr McIntosh. You're probably aware that the act will authorize rehabilitation, which today is kind of a cloudy area, rehabilitation and reintroduction of animals.

I'd like your comments on a question that was asked previously about the bear hunt and the aspects around that. A phasing-out was suggested; a serious look at it was suggested. The other side of that question, of course, is the economic impact that it has on the industry in the area that is currently involved in it. Could you comment on any of those areas?

Mr McIntosh: I'd be happy to comment. There actually probably would be help available to the very small and limited industry that's involved in the bear hunting, specifically the spring bear hunt. Other jurisdictions in both Canada and the US have either had this hunt eliminated or not at all, and bear hunters have adapted to it, such as they have adapted to not having the use of bait or dogs available.

Mr Michael Brown: Thank you. A most interesting presentation. I wonder if you could tell us, in your experience, whether you believe black bears in the area of Gravenhurst, Bracebridge, Huntsville — if the population is sustainable. Is it growing, about static or is it dropping?

Mr McIntosh: That's a very tough question to answer accurately because black bears are very hard to count. I don't think we can ever assume that we can just keep on killing them and there's going to be lots, because we heard the same about cod fish, and just lately, over the last three years, they've suddenly found out they've hunted way too many moose.

I don't think, when you talk about ethics and the quality of the hunt that's carried out, the population should even be the question. This isn't an anti-hunt issue that I'm talking about here. I think the majority of the hunters are quite dismayed at the way the bear hunt is carried out, other than the bear hunters, that is.

Ms Martel: Earlier in your comments — and I apologize if I have this wrong — you made note that you can — I don't think "gift" was the word, but I put "gift of wildlife for free in the province right now." Was that what you said, or did I miss it?

Mr McIntosh: That's exactly what I said. If I have the money, I can buy a tiger or a cougar or a lion or any bear that didn't come from Ontario. Not too long ago there was a man who purchased a number of bears from British Columbia. He lives in Ontario in a rural area and his plan

was to send them to China for the bear bile farms. So this cross-jurisdictional irregularity in the law is something that we need to tighten up.

The Vice-Chair: Thank you very much, Mr McIntosh.

1120

ONTARIO FEDERATION OF ANGLERS AND HUNTERS

The Vice-Chair: I'd like to have the Ontario Federation of Anglers and Hunters, Chris Brousseau, Rick Morgan and Terry Quinney. Good morning, gentlemen, and welcome to the standing committee. I'd ask you to introduce yourselves individually for the purpose of Hansard.

Mr Rick Morgan: We appreciate the opportunity to be with you and to express our optimism and our concerns with respect to Bill 139.

My name is Rick Morgan. I'm the executive vice-president of the Ontario Federation of Anglers and Hunters. Next to me is Chris Brousseau. Chris Brousseau is our special adviser on conservation issues. He's a biologist and a former district manager with the Ministry of Natural Resources. Next to him is Dr Terry Quinney. Dr Quinney is also a biologist. He's our provincial coordinator for fish and wildlife services and a former professor at the University of Guelph.

A little bit about the Ontario Federation of Anglers and Hunters: We are a membership-driven organization. We have 74,000 dues-paying members across the province. In addition, we are a coalition of clubs. We have 570 member clubs, again all dues-paying clubs, all with the opportunity to help set the federation policy.

As with many of the speakers before, we believe Bill 139 is basically a good bill. In the interests of time, we will not dwell on all of the things that we feel are good about the bill. We will say it is long overdue. In the interests of time, however, we will tell you some of the shortcomings that we feel exist with the bill and which we hope you can address as you look at clause-by-clause amendments this afternoon. Mr Brousseau will read our presentation.

Mr Chris Brousseau: The written submission that we've made to you outlines the sections of the bill that we support; however, I'd like to bring to your attention four amendments that we are seeking.

The first has to do with the importation of live food fish. We feel section 53 should be amended by adding live food fish to animals requiring a permit or licence before being transported into Ontario. The reason for this is that tons of exotic live food fish enter Ontario from the US destined for Metro Toronto restaurant markets. Currently, there's no means of controlling this trade and very little is known about the volume, species and potential impacts on native fish communities. We also have a concern regarding the escape of fish from fish farms that was mentioned earlier.

We'd like to see wild turkeys added to the list of species that cannot be killed in defence of property. In some areas wild turkeys are causing minor crop damage but we do not believe it is appropriate to allow their killing or capture for this reason. If wild turkeys are causing damage in some areas, we believe that the property owner should notify the Ministry of Natural Resources, who could use these sites for the trapping and transfer of birds to new locations.

Under dog training and trialing, the OFAH supports the regulation of hunting dogs and trialing areas. The use of large private enclosures for training and trialing hunting dogs is a legitimate and responsible means of containing dogs, especially where such enclosures avoid potential conflicts with neighbouring property owners. We believe that grandfathering is inappropriate and these facilities should be allowed to continue under regulation.

Deer farming: We feel the act should be amended to remove white-tailed deer from the definition of "farmed animals." A stronger regulatory mechanism is needed in the legislation to regulate exotic deer farming and prohibit it where necessary. Ontario's white-tailed deer are threatened by the importation, captivity and trade in deer.

A note we'd like to add is that we support the amendment being forwarded later on this morning by the falconry association.

Members of the committee, comments made this morning have really changed the focus of our presentation. I'd like to point out that some animal rights groups are using Bill 139 as a platform to launch yet another attack on our cultural heritage.

They are using this opportunity to spread more information about bear hunting and management. This information they provided is largely misinformation. These groups have spent hundreds of thousands of dollars on misinformation campaigns to influence public opinion on bear hunting. The money spent in these campaigns is much more than the entire Ministry of Natural Resources bear research budget.

There is no crisis in bear management in Ontario. Black bear populations are healthy and sustainable. Ontario's bears number between 75,000 and 100,000 animals and are stable and increasing in some areas.

Hunters are responsible for raising the status of bears from unprotected vermin to valued and protected game animals. Before 1961, the province offered bounties for killing bears. The Ontario Federation of Anglers and Hunters has worked hard to change the negative attitudes to those of respect for the bear as a valuable big game animal and the associated economic, social and biological benefits of a well-managed harvest system.

Black bear hunting is controlled by seasons, licensing and restrictions on where and how you can harvest bears. In 1995, the 13,000 resident hunters and almost 13,000 non-resident hunters spent close to \$2 million dollars on licence fees alone — money that goes directly into fish and wildlife management. Licence revenues raised through hunting pay for bear research, management and enforcement of the laws.

During the spring bear season, it is illegal to shoot cubs born in the year of the hunt or females accompanied by such cubs. The use of dogs to hunt black bears in the spring season is restricted in most parts of Ontario. Bears cannot be shot near waste disposal sites, in their dens, and now, under Bill 139, while swimming.

A non-resident hunter using the hunting services of a bear tourist operator must hunt on a black bear management area assigned to the operator and report, by law, the results of their hunt. A mail survey is done each year to track hunter numbers, success rates and other information used for managing black bear.

The use of bait is the most utilized form of hunting. In many areas, it is the only way to hunt bear due to dense bush. The bait attracts the bear close to the hunter to enable the hunter to estimate the sex and age of the animal, ensure that there are no cubs accompanying adult females, which usually precede the female to the bait anyway, and allows for a clean kill due to short range and lack of obstructions in the hunter's view. Incidents of cubs orphaned because of hunting are exaggerated. The number of breeding females that come to the baits are quite small. When you subtract the immature females under the age of 6 or 7, the ones that are not bred that year, the ones that have already lost their cubs due to natural causes, the number of breeding females that come to bait is very small, maybe only 1% or 2%.

Then the hunter has the opportunity to select the bear. In 1995, resident hunters saw almost 18,000 bears, yet harvested only about 2,000. They passed up over 16,000 bears. Only one in four hunters actually harvested a bear. There is a tremendous amount of selectivity by the hunter. No hunter wants to shoot a bear with cubs.

Use of hounds for bear hunting allows hunters to select for size and sex of treed bears.

The spring hunt is an important component of the hunt. It provides hunting opportunities at a time when other hunting is not allowed. It provides economic benefits to the tourism industry at a slow time of year and allows many of the tourist businesses to stay afloat. I won't go into detail, but all biological indices point to a bear population that is stable or increasing.

Bear hunting contributes over \$30 million to the Ontario economy annually and employs over 500 people directly.

I just want you to answer the question of what would happen to the bear population if the spring hunt were stopped. While I'm not going to discuss the loss of hunting opportunities for the 25,000 bear hunters in Ontario, along with the lost socioeconomic benefits, or the millions of dollars that would be lost to the fragile tourism industry in the Ontario economy, I want to talk about bear biology.

Some people would like you to believe that bear populations would increase and papa bear, mamma bear and baby bear would live happily every after. Social cohesion of bears, however, only exists in fairy tales. In real life, papa bear eats mamma and baby bears. The incidence of cannibalism is higher in non-hunted bear populations. When bear populations expand and territorial

boundaries are crossed, female bears and their cubs are killed and cannibalized by aggressive, dominant male bears. Cannibalism replaces hunting and the density of the black bears is similar in both hunted and non-hunted populations.

Each year hundreds of nuisance bears are either re-located, only to become a problem somewhere else, or they are shot and wasted by government officials and people protecting their property. Nuisance bears are mostly subadult male bears that have not established home ranges. Most bears harvested during the spring bear hunt are similar subadults that have not established home ranges. The spring bear hunt helps keep the numbers of these bears in check and cuts down on the number of nuisance bears.

If the spring bear hunt was halted, we can expect an increase in the number of nuisance bears — more damage to cottages, homes, crops, more bears shot and wasted and, very important, more human-bear interactions and more likelihood of human injury and death. Six people in Ontario have been killed by bears in the last 20 years, including a 20-year-old student near Cochrane in 1992, three teenagers in Algonquin Park in 1978, and two campers in Algonquin Park in 1991. Most bear attacks on humans occur where bears are not hunted.

May I just say that there's a split among hunters on the question of bear hunting. To back their claims, they point to the Ontario Fair Chase League, an organization formed to educate the public about the responsible behaviour of most hunters. The first issue was dedicated to criticisms of bear hunting using all kinds of authorities. Let me read to you some notes taken during a meeting attended by representatives from the Animal Alliance of Canada and World Wildlife Fund, among others, with the Federation of Ontario Naturalists copied on the material:

"Discussion about the necessity for continuing the Fair Chase League revolved around what we could expect in return for the expenditure of approximately \$16,000 for 10,000 newsletters and a mail-in card. While it was agreed that we could not predict what kind of response this tactic would have, it was agreed that creating the impression that Ontario hunters don't like spring, bait and dogs would be very useful in persuading the committee to amend the bill."

The committee referred to is you.

I have attached the notes for your information. You may find it interesting that these organizations spoke about paid media campaigns, letter campaigns, polling, financially supporting delegates to the PC Party annual meeting to bring up a policy resolution regarding hunting, cultivating experts to attend committee hearings and, if all else fails, legal action against the government and a "take 'em out" campaign to defeat targeted PC MPPs in the next election. The objective of these meetings was to force Bill 139 to hearings so they could forward their anti-hunting agenda.

1130

Hunting conservation organizations like the Ontario Federation of Anglers and Hunters and the Northern

Ontario Tourist Outfitters Association have been lobbying hard to close the loopholes on the sale in illegal bear parts. Recently, changes were made to the Game and Fish Act to prohibit the sale of black bear parts. We have asked for increased fines for poaching and trafficking in wildlife, something that Bill 139 recognizes.

Bill 139 takes the conservation of bears even further. Black bears will receive additional protection through a prohibition on interfering with black bears in dens and on intentionally damaging or destroying black bear dens. Black bear will also be added to the list of species that may not be hunted while swimming.

The Vice-Chair: I'm sorry, we've run out of time.

Mr Brousseau: Just to wrap up, all the concerns raised about bear hunting can be addressed. Section 62 allows the minister to impose conditions such as limiting the species, the area, the time, the circumstances in which the licence applies etc. It allows the minister to manage and regulate the hunt accordingly.

Members of the committee, I just want to say that we would be the first organization to call for more controls if the bear population was threatened in any way. We are the ones who lobbied for the successful management system of the hunt that we have today. Based on the best available information we have, the bear population is stable or increasing in Ontario.

The Vice-Chair: Thank you very much.

NORTHERN ONTARIO TOURIST OUTFITTERS ASSOCIATION

The Vice-Chair: I'd like to call on Jim Antler of the Northern Ontario Tourist Outfitters Association. Good morning, Mr Antler. Welcome to the standing committee.

Mr Jim Antler: Thank you very much. It's a pleasure to be here today. I have left copies of my brief with the clerk. I want to briefly go through it at this point. There are three main sections. I want to give you a bit of an introduction on the organization and some of the positive things we see in the bill, and I also want to touch on some of the issues relating to the bear hunt that have been mentioned today.

The Northern Ontario Tourist Outfitters Association is a non-profit trade and advocacy association for resource-based tourism businesses, primarily in northern Ontario, although we also have many similar types of businesses in central Ontario. The association itself was formed in 1929 and has been a strong advocate for sound fish and wildlife management and conservation for seven years.

There are roughly 1,600 licensed businesses in northern Ontario in this industry, made up of fishing and hunting camps and lodges, cottage resorts, air services, outpost businesses, canoe and ecotourism outfitters, campgrounds, trailer parks and even those that rent houseboats.

The impact of this industry, including those from the parks system in northern Ontario, was recently estimated at nearly \$500 million a year in the resource-based sector, a very important component of northern Ontario's economy.

All these businesses to some extent rely on the use and enjoyment of the natural resources of our province, and they share an interest in Bill 139 and what it will mean to the fish and wildlife of the province. We believe that the bill and the revisions to the existing act are long overdue and we support the bill as an improvement of the conservation and management of the province's fish and wildlife.

Some of the major improvements we see over the existing act include:

Subsection 13(1), which says that interference with lawful hunting, fishing or trapping activities will be prohibited, including tampering with equipment, interfering or putting oneself in a position to interfere with lawful activity or disturbing fish and wildlife.

Subsection 8(1), improving the protection of black bear while in their dens, and also while swimming, under section 23.

Banning the possession of bear galls separate from the carcass, section 50.

Subsection 58(1), banning the possession of fish, wildlife or vertebrates that were taken contrary to the laws of another jurisdiction or removed from another jurisdiction contrary to the laws of that particular jurisdiction. We feel those last two will be of significant assistance in cutting down the illegal trade in animal parts.

Subsection 63(1), authorizing persons to have no more than one licence to hunt major game species: bear, moose, white-tailed deer, caribou and elk.

The recognition in law of the special purpose account to collect fees, fines and royalties under the act, which can also be used for conservation and management of the resource, under section 85.

Also, substantially increasing penalties under the act for various offences and a limitation period for the prosecution of offences. We think that's a major improvement over the existing legislation.

I would like to touch on a number of the issues that have been raised today relating to the bear hunt. As an organization and an industry that does partake in that activity, we're very aware of the pressure and campaigns that have been out there to try and influence people to say that bait and dogs and bear hunting in the spring hunt is a problem in Ontario, but we want to state our support for bear hunting in the province and its economic significance.

In working with the Ministry of Natural Resources experts and researchers, it certainly seems there are no real biological indicators that show the bear hunt is having any negative impact on the bear population in Ontario. There are a number of facts that we've been made aware of that are important for you to consider. Some of those have been mentioned by the OFAH previously.

The provincial bear population is between 75,000 and 100,000, a substantial population. In many cases, those populations are even increasing in local areas. Resident and non-resident hunters' combined harvest — it fluctuates — is usually between 5% and 9% of the provincial bear population. That's below the 10% maximum harvest level that MNR's experts say is sustainable,

and that 10% figure is also one of the more conservative estimates in North America, as we understand it.

Reference has been made to females being harvested at a rate of 30%. Again, that's well below the 40% threshold that ministry experts feel may be an indicator of overharvest within the population. Yes, it is illegal to shoot cubs born in the year of the hunt and females accompanied by such cubs, and many operators — I was speaking to one yesterday, as a matter of fact, who, when I mentioned I was coming before the committee, said to me, "When my hunters are over bait, I ask them to wait at least half an hour when they see a bear come into bait so they clearly observe to make sure it's not with cubs, that there are no family grouping there." Many operators ask their hunters to be very selective in terms of watching and observing the bears who come to bait, to make sure the animals they get are not with cubs or in a family unit, as has been referred to.

Bear hunting contributes over \$30 million annually to the economy of this province. It provides important revenue and employment opportunities with our industry, especially in both the spring and the fall, which are the sole seasons for many businesses. Those revenues are very important to those seasonal businesses.

In 1995, nearly \$2 million was spent on bear hunting licences alone in Ontario, both by residents and non-residents. That money goes directly into the special purpose account that I mentioned before and comes back into bear research, management and conservation of the resource in this province.

As I mentioned earlier, non-residents also have to use the services of a tourist operator or authorized bear guide and hunt on bear management areas assigned to those people. Tourist operators who have BMAs cannot hunt on anybody else's BMA boundary. They have their own areas. Their hunts are very well regulated. There is strict reporting of the results, so the harvest figures are extremely accurate within the industry.

On the issue of baiting, MNR research experts have said to us that they believe baiting is probably the most humane way to hunt bear, because you can observe the animal at close range, you can take the time and look at and determine the sex of the bear that comes to the bait, and it allows for clean shots.

We've worked hard to raise the status of black bear in Ontario, along with the OFAH, to a big game species. We've worked hard over the last few years to close some of the loopholes in the trade and sale of illegal parts. We've requested increased fines and penalties for people who poach wildlife, who traffic in those illegal things, and we've been successful, based on what you see in Bill 139. The bill has gone even farther, protecting bears while swimming, as I mentioned before, interfering with them while in a den or destroying the dens themselves.

Our industry and the hunting community have worked hard to ensure the sustainable management of bear in the province and to increase the protection of the legislation, and we've been successful. Based on the science that we can obtain from the ministry, there's no biological reason

to stop the hunt. The minister has the power to regulate conditions under which hunting can occur: licensing, the circumstances under which licences are issued, limits, all those types of things, and if in the future there may be further restrictions needed, the minister and the ministry certainly have the power to do that.

We encourage you to look at the facts in this case, not the emotion, and oppose the amendments that have been put forward to you today that want to restrict either the bear hunt or the issues relating to spring and dogs.

To sum up, we appreciate the opportunity to be here before you today. Our organization has had a long history in fish and wildlife management in Ontario and wanting to make sure those resources are sustainable. After all, that's the livelihood we depend on. We believe the bill is a positive step forward for the fish and wildlife resources of the province and is long overdue, and we would encourage you to pass the bill as soon as possible for the benefit of those resources.

1140

The Vice-Chair: Thank you very much, Mr Antler. One quick question, Mr Brown.

Mr Michael Brown: Thank you, Mr Antler. It's good seeing you again. My question is with regard to — we have had this issue raised by a number of groups today — sustainability and conservation. I have noticed that both you and the OFAH before you used the words interchangeably. Would you agree? I notice you call for a definition of "conservation" or "sustainability." Could you give us one that you would believe adequate?

Mr Antler: The OFAH has worked a lot on that and probably has done a little more work than we have on that. I've seen the definition they have circulated and it's certainly a good, positive step. The bill refers to "conservation" in a number of ways, and that would certainly be of benefit to the management of fish and wildlife in the province. While I mention in the written brief that it's not in the bill, I also mention that I don't think that's an impediment to moving forward with this legislation. That's something that can be worked on more in the future, to be brought into the mix when the time is right and when those discussions among stakeholders have been carried out.

The Vice-Chair: Thank you very much, Mr Antler, for being here today.

INTERNATIONAL WILDLIFE COALITION

The Vice-Chair: I'd like to call on the International Wildlife Coalition, Leslie Bisgould. Good morning, Ms Bisgould, and welcome to the standing committee.

Ms Leslie Bisgould: Thank you. I'm not going to talk about the bear hunt. That's the first thing I'm going to say. Maybe that will attract some attention.

My name is Leslie Bisgould. I am a lawyer and my practice focuses specifically on cases that involve animals, so I find myself in good company here talking to you this morning and on an issue that I feel comfortable talking about.

I'm here specifically on behalf of the International Wildlife Coalition. IWC is an international organization that works to protect wildlife and the environment. It has offices in Canada, the US, the UK, Sri Lanka and Brazil, and has 10,000 members in Ontario alone.

I'm also a director of a national charitable organization called Zoocheck Canada, which also works on wildlife issues, specifically concerns about wildlife in captivity and in the wild. Zoocheck has several thousand members across the country, most of whom are in Ontario as well.

Several organizations have approached me with respect to Bill 139 and have asked me for a legal opinion as to what Bill 139 is going to bring with respect to wildlife management in Ontario. Having spent significant time reviewing it, considering the implications of the terminology and the procedure employed in the bill, the conclusion I've come to is that I honestly cannot say with any degree of certainty what wildlife law in Ontario is going to be if and when Bill 139 becomes law. I don't mean to sound facetious in saying that; I make that point quite sincerely.

The difficulty is specifically on two levels. First of all, subsection 62(6), about which you've heard a complaint or two this morning already, grants absolute authority to the minister to contravene any of the provisions at all in the legislation. That's a highly unusual step to be taken in legislation, as most of you probably know.

Second, there is a provision in almost all the prohibitive clauses in the legislation that allows for the very prohibited act to be authorized to be committed in accordance with regulations that have yet to be drafted, or publicized certainly, or in accordance with ministerial authority.

These two categories, if I can describe them that way, are of concern for many reasons. First of all, they remove any degree of certainty from this bill. If Bill 139 passes as it is, none of you people, with respect, and none of this in this room can walk out and say, "Here is what wildlife law is in Ontario." We don't know. We don't know until the regulations are out there, because the regulations can allow all the things that we think are being prohibited. We don't know, because the minister at any time can authorize any act that is not prohibited by the regulations. There is a tremendous amount of uncertainty as it presently stands. Subsection 62(6) specifically means that a lot of government action is going to be beyond public scrutiny, and that I think is a serious concern.

For these and many reasons that I really don't think I can outline in the probably six and a half minutes I have left, this bill is a major concern. It is contrary to international agreements that the federal government has signed on to, specifically CITES, which you have had mentioned to you today, as well as the convention on biodiversity. Those treaties talk about the very principles that some people have had questions about this morning: sustainability, the precautionary principle. There is no evidence of any of the modern approaches to wildlife management in this bill as it presently stands.

Moreover, the bill violates the very principles that the Ministry of Natural Resources has set out for itself. When

the Environmental Bill of Rights was passed several years ago, the 14 ministries that are governed or controlled under it had to prepare statements of environmental values in which they stated their environmental values, to state the obvious. The Ministry of Natural Resources made a number of comments. I have the statement of environmental values here. I'm not going to read it, because it's a number of pages, but they specifically talk about adopting the precautionary principle. They specifically talk about life being connected and that all actions should not be considered in isolation from all others; that terrestrial life has to be protected geographically and over time; that the variety of life, biological diversity, has to be conserved. I submit to you respectfully that that's not happening in Bill 139.

Beyond those two criticisms, there is one more. Bill 139, I'm afraid, is the antitheses of the approach that other jurisdictions are moving toward in wildlife management. I'm sorry to say that, because I'd like to see it differently in Ontario and I wish I could say something different, but I can't.

Beyond the uncertainties that I have described to you as being a problem, there are some certainties that are a problem as well. The certainties are what is excluded from this act absolutely — a tremendous number of animals. For example, farmed animals are excluded, and the definition of "farm animal" is large: white-tailed deer, elk, bison, fisher, fox, lynx, mink, marten, raccoon or other species, prescribed by the regulations, that are being propagated commercially. If any of these animals are being used for commercial purposes, they are simply out of the scheme. This law does nothing to protect them or to look at how their numbers are being affected by the acts authorized in this legislation.

For those of you who may not own a pet like a lion or jaguar or have not recently been in the market for one, it may come as news to you to know that Ontario is often referred to by those who are in the business of exotic animals as the wild, wild west of Canada. We've heard that on a number of occasions, and the reason Ontario is developing and has probably well earned that reputation is manifold. Again, with my now remaining three minutes, I won't be able to tell you about all of them, but I'm going to give you one example.

Roadside zoos — that's a term you may or may not have heard about — are basically small-scale zoos or menageries that anybody in this province, under the Game and Fish Act and absolutely under Bill 139, can set up. Anybody can buy a jaguar or a lion or a tiger or a camel or a zebra or a mongoose — and they do in the thousands in this province — and either keep them as pets or set up a menagerie and invite the public to come and take a look at them. From the best estimates that we've been able to come up with, there are anywhere between 65 and 70 of these facilities throughout Ontario.

What's interesting about it is that all the other provinces, including the less affluent provinces, have taken steps to make sure that this is not happening in their jurisdictions. Quebec has implemented zoo regulations,

New Brunswick is in the process of doing it, permits are required in Newfoundland etc. I won't go down the whole list. Ontario is the only province that has been, and remains, completely wide open, wider than other provinces that do allow zoos, because we also allow any private individual to keep these animals for their personal pleasure.

1150

The estimate as to how many people have these kinds of exotic pets is probably close to 10,000 people in the province and many of them have more than one animal. We're talking about the animals that I just listed for you. I'm not kidding — zebras, mongoose, lions, camels, jaguars, tigers — these are people's pets throughout the province. Absolutely nothing in this bill speaks to that. There are tremendous concerns from the perspective of the animals and the lifestyles that they live, but even leaving that aside, there is the safety of the people who live in communities where these animals live unregulated, in conditions that are completely unregulated, where you don't even necessarily have to know about them.

Section 40, which I'll refer to very briefly, deals with wildlife in captivity. If you take a quick look through this bill, you may think that these problems are being addressed, but they're not, because the species that are concerned in these menageries or as these private pets don't come within these definitions as they presently exist. Furbearing animals, for example, for some reason I don't know, are excluded from section 40 when talking about wildlife in captivity. They should be in there; I don't know why they're not.

These are several of a number of reasons that this bill is extremely problematic. There's no concept of safeguarding wildlife, nor is there any evidence of the precautionary principles to be found, as I've said, and this is not a small matter.

Ontario is a large jurisdiction for wildlife and wildlife habitats are fragile, given that the human population is constantly expanding and that there are now relaxed conditions under Bill 139 for hunting and trapping. If money is to be made by keeping these animals, as I've indicated, there is no law to oversee what life is like for those animals or what effect is being had on the species of having them on display.

The Vice-Chair: I'm sorry, we have run out of time. May I ask you to wrap up.

Ms Bisgould: I'll sum up in one sentence — well, two but one breath.

I'm sorry to have to say that in coming here and speaking on behalf of these organizations it's their recommendation that this bill not proceed, that it not become law and that you do everything within your power to see that that happens.

In saying that to you, I recognize that you're looking at me thinking, "Is she out of her tree?" I'm aware that the likelihood of that actually happening is slim. However, I would be doing a disservice to the organizations on behalf of whom I'm speaking and the animals on behalf of whom they advocate if I didn't call it as I see it.

The Vice-Chair: Thank you very much for being here with us today.

ONTARIO WHITE-TAILED DEER PRODUCERS ASSOCIATION

The Vice-Chair: I'd like to call on the Ontario White-Tailed Deer Producers Association. We have Liz Kerkvliet and Ed Bishop. I'd like to welcome you this morning to the general government committee. I want to indicate to you that we may have to interrupt your presentation if there is a vote. I will ask members then to reconvene. Please begin.

Ms Lizeanne Kerkvliet: Good morning. My name is Lizeanne Kerkvliet and I'm a white-tailed deer producer and a director of the Ontario White-Tailed Deer Producers Association. With me today is Mr Ed Bishop, president of our association. I'd like to thank the committee for the opportunity to speak to them this morning.

We, the white-tailed deer producers of Ontario, are opposed to Bill 139, as it will outlaw hunting preserves in Ontario for farm-raised white-tailed deer.

The trophy buck market is the single-most significant market for white-tailed deer. Our farm-raised white-tailed deer are not native animals that have been removed from the wild. These animals have been selectively bred and imported from other provinces.

We are fortunate to live in Ontario, where our Canadian climate is conducive to producing the biggest-bodied and -antlered deer in the world. Our province's northern, natural rugged beauty is an ideal location for the commercial operation of hunting preserves. We have the best components to produce the perfect Canadian hunting experience according to the perception of American and European clients. Therefore, Canadian hunting preserves enjoy a premium price for their hunts. Why then are we not capitalizing on this rapidly expanding and profitable industry?

To examine the success of hunt farms, we can look to existing models in the US. Many states, such as Michigan and Texas, have multimillion-dollar industries based on farm-raised white-tailed deer hunting preserves. The western provinces of Canada, particularly Saskatchewan and Alberta, have also recognized the potential profits to be made. The Alberta white-tailed deer producers are currently preparing an economic prospectus for consideration by the government. Saskatchewan is presently allowed to hunt farm-raised white-tailed deer, and effective March 1, 1998, Quebec will permit the year-round hunting of farm-raised white-tailed deer. It seems contrary that Ontario would be in favour of eliminating hunting preserves.

Hunting preserves are reputable hunting establishments, primarily located in northern Ontario. These preserves boast beautiful, rugged, tree-covered terrain. We cater to and attract a different clientele than traditional hunters. Our clientele wish to enjoy a hunting experience, have a fair chase and be assured of a chance

to shoot a trophy buck. Our clientele wish to hunt mature deer only.

Hunting preserve operators will stock their preserves with carefully selected animals from Ontario producers with a minimum Boone and Crocket score of 140 points. Boone and Crocket, or B and C, is a system for measuring antler size. The larger the antler, the higher the score, the greater the value of the animal.

Our hunters will be accompanied by experienced guides. The deer density in our preserves is often lower than the deer density in the wild. Hunting preserves have been operating successfully in Ontario for the better part of a decade, and they hope to continue to do so and expand in the future.

We are not competing with or encroaching on any of the traditional methods of hunting. Hunters are free to do next year as they have done in the past. However, they may choose the opportunity to hunt a trophy buck on a hunting preserve.

We are, to a certain extent, preserving our native species. As the success of a hunt is often determined by the size of the deer's antlers, these genetics are lost to future generations of Ontario native deer.

The elimination of hunting preserves is a considerable loss to the white-tailed deer producer. If we take the example of a 50-doe breeding herd, approximately 35 bucks per year would be shipped to an Ontario hunting preserve. Ontario hunting preserves pay 50% of the hunting fee to the producer. The average price of a hunt is \$10,000. Therefore, 35 bucks at \$5,000 nets the producer \$175,000 a year.

If Bill 139 is passed as is and the hunt farms are eliminated, Ontario producers have two options to market their trophy bucks. They may choose to send their animals to the venison market. Taking the same scenario, we have 35 bucks at approximately 155 pounds times a price of \$3.85, which yields \$20,900. If we subtract this revenue from the revenue that is generated from the hunting preserve, we have an added value lost to the producer of \$154,000. That's a lot for a single producer.

Our only other option is to ship our deer to the US. However, before these deer are shipped, they must be TB tested within 60 days prior to being shipped. In order to complete the test, a large area on the neck is shaved; this shaved area destroys the trophy cape, making the animal unmarketable for the current hunting year, thus forcing producers to sell immature, unproven trophy bucks to the American market at discount prices. Taking the same scenario, we have 35 bucks at approximately \$1,200, yielding the producer \$42,000. If we subtract this from the \$175,000 the producer could have made if he had been able to sell to the hunt farms, his loss is \$133,000. These losses are typical of what a single producer would experience on a 50-doe breeding herd.

Hunting preserves are ideally located in the less-populated areas of northern Ontario. These small communities benefit greatly from the economic spinoffs produced by the hunting preserve. Local labour is used to construct and maintain the hunting preserves. Initial employment con-

sists of the actual construction of the facility, the installation of fences, the lodge and any required outbuildings. Ongoing employment requirements include cooks, housekeepers, guides, lodge and grounds keepers and hunting preserve maintenance.

The hunting preserve purchases its supplies from the community wherein it resides, supporting the local construction yard with the purchase of building supplies. It will purchase its food and dry goods from the local supermarket and shops. Visitors to the hunting preserve will introduce much-welcomed tourist dollars to the area and complement existing tourist establishments. As you can see, the loss of the hunting market has repercussions not only for the producer but for the local community, spinoff industries and provincial and federal tax revenues.

This government has stated repeatedly that small business is the backbone of the Ontario economy, yet here we have an example of an industry with tremendous potential which has given clear indication that it is and will continue to be very viable and successful. Other provinces are already ahead of us. We need this government's support.

All we are asking for is two amendments to the bill:

(1) To amend subsection 1(1) by adding the following between "vehicle" and "wildlife": "'white-tailed deer hunting preserve' means an enclosed area in which farm-raised white-tailed deer are released for hunting purposes."

(2) Amend subsection 41(2) by adding the following after "preserve" in the third line: "or farm-raised white-tailed deer in a white-tailed deer hunting preserve."

The amendments would allow us to continue to produce high-quality trophy animals for the hunting industry.

We feel this bill discriminates against the white-tailed deer producers. Tell me, why are trout farmers allowed to catch fish on fishing preserves? Why are pheasant farmers allowed to hunt on a hunting preserve? Why are exotic deer farmers allowed to hunt their farm-raised deer on hunting preserves? Why do these farmers receive preferential treatment?

We trust that you will take this matter into serious consideration, and we thank you for the opportunity to present our concerns and proposed amendments.

The Vice-Chair: Thank you very much. Ms Martel, one minute.

Ms Martel: How many hunting preserves are there in the province and can you give us the best explanation you have from MNR as to why they are being eliminated?

Mr Ed Bishop: Operating now, there are three that we know of. We asked MNR, and what they've come up with is that public perception is the major reason for not wanting hunting preserves. What we wonder is why the hunting perception of a white tail is different from that of catching farm-raised fish in a pond or shooting a farm-raised pheasant or hunting any other exotic in a fenced situation.

The Vice-Chair: Thank you very much for coming here today.

Are we going to wait for a second here?

Mr Michael Brown: I would suggest, Madam Chair, the bells are about to ring here.

The Vice-Chair: We are going to be called, so all members are asked to reconvene within five minutes after the vote has been taken.

The committee recessed from 1204 to 1220.

ONTARIO HAWKING CLUB

The Vice-Chair: Ladies and gentleman, can we quickly reconvene and hear the last deputation.

I'd like to call on Martin Geleynse of the Ontario Hawking Club. Welcome. For the purposes of Hansard, would you both introduce yourselves, please.

Mr Martin Geleynse: I'd like to thank you for this opportunity to speak to you on behalf of the Ontario Hawking Club about a subject that's been very important to me. My name is Martin Geleynse. I was previously a president of the Ontario Hawking Club and am currently a director. With me is Ken Rocznak, also a director of our club.

Falconry has been defined as the sport of taking wild game by means of a trained raptor or bird of prey. This simple definition has never really done it justice for me, however. Falconry is an ancient art that has been practised for over 3,000 years in all parts of the world. As a means of putting food on the table, however, it's very poor.

You might ask why such a lousy way of hunting would have such a long history. I've asked myself that sometimes. Well, no one who has ever seen a hawk or falcon in action could help but be amazed at their speed, their power and the pure intensity of their flight. For a falconer, it is not just seeing but being an active part of these flights, as well as the partnership with a beautiful creature, that has drawn people to this sport throughout the ages. If it were not for this attraction, falconry would have disappeared soon after its first practitioners died of starvation, because if they were planning to eat off their falcon, that's what would happen.

Of all human-wildlife interactions, falconry is completely unique. I just ask you to think about this for a moment: Falconry is taking a wild creature, taming it down, training it and returning it a short time later to hunt its natural quarry, this time with you as its partner. It's part sport, part art and part pure magic.

Now down to business. The Ontario Hawking Club was founded in 1984 to promote raptor conservation and the sport of falconry. It is affiliated with the Ontario Federation of Anglers and Hunters and the North American Falconers' Association.

We have been working with the Ministry of Natural Resources since inception, pretty much. Based on some meetings we had with ministry officials before Bill 139 was introduced, we had some serious concerns. Since introduction, we've had another series of meetings with different officials and these meetings have largely alleviated most of our concerns. There are a few minor issues remaining and we are confident they can be worked out in

good faith. In general, we support Bill 139 and believe it should move forward.

There is only one area where this bill differs dramatically from the laws in place in the rest of North America: In 46 states, the four western provinces and two territories, falconers have regulated access to common wild birds of prey.

We believe strongly, as do many others, that wildlife resources should be managed in a sustainable way for the benefit of everyone. We are therefore proposing this amendment to subsection 40(4), that it be amended by adding the phrase — I won't read the whole section — that wildlife can be taken into captivity "except as prescribed by the regulations."

This amendment would improve things in a number of ways. The regulations would allow for a tighter and finer degree of control than the simple authorization currently in that section. It would improve consistency across the province and make it easier for people to understand what is allowed and what is not allowed. Finally, it would allow Ontario at long last to align its regulations with those in the rest of North America. Without this amendment, Ontario will be unable to implement the whole package and there will be little of tangible value in Bill 139 for the falconry community. In other words, we'll be doing what we currently do now, but we'll be doing it under regulations. There's no extra. There's no up side.

Please remember we're not asking for anything unique or untested. Falconers in other areas have been allowed to take common wild raptors for many, many years. At present, fully 53 North American jurisdictions allow falconers to take wild birds, and the number continues to increase. In the last 10 years, five more states and two provinces have come on board. Most recently, the province of Manitoba has adopted a complete set of regulations, including everything from special seasons to giving falconers access to those common wild birds.

The effect of this access has been the subject of a multitude of scientific studies. These studies have shown over and over again that it has no impact on the populations. Allow me to highlight just a few.

Falconers take only first-year birds, which have a very high natural mortality, between 50% and 80%. On average, falconers take only one bird from the wild every 3.6 years; 40% are the very common red-tailed hawk and about 50% are actually returned to the wild. The US Fish and Wildlife Service has conducted two complete environmental assessments on falconry. It's summarized very briefly and I have some quotes here:

"Generally, the take of raptors from the wild by falconers and propagators is small, self-limiting and can safely be regarded as inconsequential.... Stringent controls on the use and take of most species is not necessary." That is their conclusion. They went on to say, "The present assessment shows most raptor populations to be increasing, numbers of falconers stable and legal take by falconers is down." This is their statement: "We are led to conclude even more confidently in 1986," when that study

was done, "that falconry has a negligible impact on raptor populations."

The population of raptors in Ontario is in the tens of thousands. This is a huge province. In contrast, it is very unlikely that Ontario falconers would require more than 15, at most 20, birds per annum. Obviously, taking such a small number of birds, most of whom would die anyway, would have absolutely no impact.

Based on the experience and some of these studies and assessments that have been conducted in other areas, those areas are actually deregulating falconry and loosening the controls on the use of wild raptors. US law no longer even requires most wild raptors to be banded.

The laws in place elsewhere have allowed for direct interaction between falconers and wild raptors. This has fostered the development of an admittedly small but active and dedicated user group with detailed hands-on knowledge of this resource. This knowledge has been put to use and is of great value in everything from population surveys to critical habitat studies, pesticide analysis and more.

One of the most visible conservation successes of this century has been the re-establishment of the peregrine falcon over much of North America. Falconers were key to this whole effort. Their data was used to identify the initial decline and its causes. They donated their personal birds to breeding projects and developed captive breeding techniques which at the time didn't exist. Falconers ended up running all of the breeding centres used for this program, and the birds were released using a technique known as hacking, which is a falconry technique. I don't wish to detract — this was an international effort and many people and organizations contributed — but it simply would not have been possible without falconry. If I had more time I'd read Tom Cade's quote. There's a beautiful quote on that.

These examples only scratch the surface, but they are a powerful testament to the value of having a vibrant user group, one that is allowed to interact directly with the resource they love. In this age of government cutbacks, having groups to partner with like that is increasingly important.

The falconers of Ontario have been waiting a long time for this situation that I've just described to be duplicated here. Including the possibility of access to wild birds in Bill 139 is very important; it is unlikely that we will have another chance for many years. I urge you to consider, can all 53 jurisdictions be wrong?

We're really asking the Legislature to give the MNR at least the ability to align the regulations with the rest of North America, even if these regulations are not developed immediately. We are confident that this whole issue will soon become a non-issue in Ontario, as it is in so many other areas. The possibility will give falconers something to work towards, give them an incentive to make the rest of the regulations brought into force by 139 work. It will also secure the conservation benefits that flow from a partnership with an active and dedicated falconry user group. Thank you very much.

The Vice-Chair: Thank you very much. Mr Chudleigh, one minute.

Mr Chudleigh: Thank you very much for your presentation. I particularly appreciate your definition. It's quite lovely.

Taking birds from the wild, of course, would involve some forms of controversy. Even though it's a small number of birds, what kinds of controls or regulations would you see to control that? Who would be allowed to do that? How would it be regulated?

Mr Geleynse: The proposals that we have been discussing with ministry officials involve an apprenticeship program and a limit on the number of birds that could be in possession by falconers to three, although the majority of falconers only ever have one. We've been discussing an apprenticeship requirement for 18 or 15 months. That's very common in the rest of North America. During that apprenticeship requirement, only one bird in possession; it has to be sponsored by a licensed falconer. The only birds that could be taken are subadult birds, first-year birds, and those are the birds that have the high mortality. It also happens that those are the best birds to take for falconry. Those are the most malleable, the ones that adjust most easily, so there's really no pressure to touch the other ones anyway.

The Vice-Chair: Thank you very much for coming here today. The committee stands recessed until 3:30. Just to remind members that the clerk is making every effort to have the amendments at 2:30. You can pick them up in room 1405. They will be delivered, however, as soon as possible after that.

The committee recessed from 1231 to 1532.

The Vice-Chair: Good afternoon, ladies and gentlemen. I'd just like to draw everyone's attention to a motion with unanimous consent:

"Mr Harnick moved that Bill 139, An Act to promote the conservation of fish and wildlife through the revision of the Game and Fish Act, be considered by the standing committee on general government for one day only, at its regularly scheduled meeting time, on Thursday, December 11, 1997, and that the committee be authorized to meet beyond its normal adjournment time to complete clause-by-clause consideration of the bill on that day."

I'd like to begin. We're going to go until there are five minutes left on the clock. In our clause-by-clause analysis, are there any comments, questions or amendments, and if so, to which section?

Mr Chudleigh: I move that the English version of subsection 1(1) of the bill be amended by adding the following definition:

"'Aquaculture' means the breeding or husbandry of fish, and the verb 'culture' has, with respect to fish, a corresponding meaning; ('pisciculture')."

This change introduces the term "aquaculture" into the bill and reflects feedback that we've received from the Ontario Aquaculture Association concerning the bill. This proposed change is consistent with the overall policy directive of the act concerning the culture of fish.

Mr Michael Brown: We're pleased to support this change.

Ms Martel: Can I ask a question? If we accept this, does it mean the ministry would then not be willing to consider a definition for "farmed fish"? Would this be a replacement for a particular definition for farmed fish?

Mr Chudleigh: Yes.

Ms Martel: Then I won't support it, because I'll move a definition for farmed fish when we get to it.

Mr Michael Brown: We actually have an amendment doing that also.

The Vice-Chair: Any further discussion? I'll call for the vote then. All those in favour? Against? It's carried.

Further amendments?

Mr Chudleigh: I move that the definition of "culture" in the English version of subsection 1(1) of the bill be struck out.

This change is associated with the preceding motion and is reflective of the use of the term "aquaculture" in the bill.

The Vice-Chair: Questions, comments? All in favour? Against? Carried.

The next amendment?

Mr Michael Brown: I move that subsection 1(1) of the bill be amended by adding the following definition:

"'farmed fish' means fish raised under the authority of a fish farm licence."

If I might speak to it, this was put forward by the Ontario Aquaculture Association. I think it provides a more suitable definition of what actually is going on and would differentiate a farmed fish from a wild fish.

Mr Chudleigh: We have added a proposed definition for "aquaculture" to help provide for the recognition of the industry. There are people engaged in aquaculture who are not fish farmers, and MNR would lose the ability to regulate these people with the Ontario Aquaculture Association's proposed definition or the member's proposed definition. I would be opposed to the motion.

Ms Martel: If I can add to this, part of the reason the aquaculture association has been so adamant about having recognition of a specific title of "farmed fish" is because they believe they should be monitored in the province as an agricultural activity. Under Ministry of Municipal Affairs and Housing guidelines now they are considered an agricultural activity. Under OMAFRA they are also considered an agricultural activity, and OMAFRA provides \$1 million a year to this industry to help it grow.

What we have been trying to do and what the association has been trying to do with MNR through the whole piece is get that recognition; hence our moving the definition to more clearly define them as an agricultural activity, as they are under two ministries. That's where the discrepancy is coming in.

Mr Michael Brown: I fail to see why this is a problem. Why can we not include both? I don't see it as an either/or situation.

Mr Chudleigh: We would lose control over the aquarium trade, for instance, and those kinds of things, so it becomes difficult.

Ms Martel: Under this bill, there is not a licence required for the aquarium trade in any event. As I understand it, that trade is not regulated by licence.

Mr Chudleigh: Not currently, but it might be at some point in the future.

Ms Martel: You're saying you're going to lose control over some other trade, but that trade right now is not regulated under the current Game and Fish Act and we're also not proposing to regulate it here. You're not losing anything that's already not lost, if I can put it that way.

Mr Chudleigh: I understand what you're saying, but we think it restricts it.

The Vice-Chair: Shall this amendment carry? All those in favour? All those opposed? It's defeated.

The next amendment is on page 4.

Ms Martel: Madam Chair, I withdraw it. It would now be out of order, as it's a similar definition.

The Vice-Chair: The next amendment is 4.1.

1540

Ms Martel: I move that the definition of "farmer" in subsection 1(1) of the bill be struck out and the following substituted:

"'farmer' means a person who carries on an agricultural operation as defined by the Farm Practices Protection Act."

The definition I propose is the one that the Ontario Federation of Agriculture talked to us about this morning. It is the one that has come from the Farm Practices Protection Act, currently at second reading before our assembly. It is to try and provide for a definition that the folks involved in the industry believe is more modern and more appropriate.

Mr Chudleigh: We would be opposed to the motion. Other proposed definitions of farmers would extend the types of farming operations to which exemptions apply. Those exemptions would reflect the provision of habitat by more traditional farmers, but which is not provided by mushroom farmers or fish farmers etc. The definition pulls in a broader type of farming, broader than the definition that we want to pursue.

Mr Michael Brown: Could you give us some examples so that I could maybe understand that?

Mr Chudleigh: They have some special exemptions under the bill.

Mr Michael Brown: Who does?

Mr Chudleigh: The fish farmers, or farmers in specific. They have exemptions to the requirement of a licence for the control of animals on their farms, things like that.

Mr Michael Brown: Why would some farmers need that and other farmers not need that?

Mr Chudleigh: It extends the definition of "farmer" and therefore reduces the control of animals in the environment, reduces our ability to manage wildlife in the environment. For that reason, it's not something we're willing to pursue.

Ms Martel: I'd ask the parliamentary assistant if he can give me some idea of what control the ministry has

over farmers and farm land now, because I didn't think you had any.

Mr Chudleigh: It's not necessarily the control we have over them; it's how they're recognized in the act, particularly in the control of nuisance or pests that are bothering their livestock etc, and they're specifically exempted in this act.

Mr Klees: If staff have the ability to do so, I wonder if staff could give us a couple of specific examples relating to this.

Mr John Brisbane: My name is John Brisbane. Historically, the Game and Fish Act, and the proposed new bill, provide certain privileges to people who meet the definition of "farmer" in the bill. Two examples of those: Farmers are allowed to recreationally hunt on their own property; similarly, they have the ability to trap on their own property. Those sorts of privileges have been historically provided to traditional farmers, who have usually have a large land base, primarily because that land base provides habitat for wildlife for the province of Ontario. As well, those farmers lose some crops, to a degree, through predation by animals in those situations.

To change and significantly broaden that definition so that it embraces things like aquaculturists, mushroom farmers, beekeepers and those sorts of things, which in fact is the breadth of the change that's accommodated by the Farm Practices Act, would be providing those privileges that were originally geared toward people who have large land bases beyond that. Frankly, mushroom farming can happen in the basement of Queen's Park.

Mr Klees: I think it does, doesn't it?

Mr Brisbane: I don't know.

Mr Michael Brown: I'm absolutely sure.

Mr Klees: So you are intending to restrict the definition for the purposes of aquaculture. I understand the reasoning.

Mr Michael Brown: I still find it troublesome, in that I don't know what problem you're solving, and you create more confusion by having different definitions and different acts for the same activity. I really don't know to think that a mushroom farmer is likely to be out shooting pests on his land, so what's the problem?

Mr Chudleigh: It's simply the further proliferation of that definition.

The Vice-Chair: Further discussion? Shall the amendment carry? All those in favour? Opposed? It's carried.

I'd like to go directly to the next one. Is there someone who would like to present this amendment?

Mr Steve Gilchrist (Scarborough East): Do we need someone to stand in?

Clerk of the Committee (Mr Tom Prins): If this motion is to be adopted by the committee, yes, a member of this committee must move that motion, or we can just pass by and keep going.

Mr Klees: Why not just keep going?

Mr Michael Brown: I have a similar one.

The Vice-Chair: Shall this amendment carry?

Mr Gilchrist: No, it hasn't been presented yet.

The Vice-Chair: Oh, sorry. No one has moved it.

I would like to recess at this point. I can hear the bells in the House. We'll come back within five minutes after the vote.

The committee recessed from 1548 to 1558.

Mr Michael Brown: Madam Chair, the member for Elgin is now here. Would it be all right if I moved this amendment on his behalf?

The Vice-Chair: We'd have to have unanimous consent to go back, because we've already passed it. Is there unanimous consent? There is.

Mr Michael Brown: I move that section 1(1) be amended by adding the following between "vehicle" and "wildlife":

"'white-tailed deer hunting preserve' means an enclosed area in which farm-raised white-tailed deer are released for hunting purposes;"

Also, that subsection 41(2) be amended by adding the following after "preserve" in the third line:

"or farm-raised white-tailed deer in a white-tailed deer hunting preserve."

Mr Gilchrist: Madam Chair, on a point of order: I believe the member has just read two different amendments.

The Vice-Chair: I was going to raise that, but thank you. Any discussion?

Mr Peter North (Elgin): Madam Chair, I assume we're talking about subsection 1(1) at this point.

The Vice-Chair: Yes.

Mr North: Basically, this is just an explanatory note explaining what "white-tailed deer hunting preserve" is. The reason for the inclusion is that at this point in time there are in this province white-tailed deer hunting preserves and Bill 139 would exclude the possibility of white-tailed deer hunting preserves in the future. First of all, this is just to define what a white-tailed deer hunting preserve is, and then the next amendment deals with the text or context of what I'm talking about.

Mr Michael Brown: Madam Chair, we have a similar motion, which I'm sure you will rule out of order when we get there. This is in response to the Ontario White-Tailed Deer Producers Association's brief we heard this morning. They are very fearful that their businesses will be jeopardized, in fact put out of business. I understand there is a sizeable investment within these particular preserves, that it's a new and growing business in Ontario, that that there is a demand for this business. I just wanted to make that clear.

Mr Chudleigh: I'm afraid we can't support this amendment. It facilitates a move to legalize game ranching and the hunting of white-tailed deer in captivity, and this is a policy or a direction that our government doesn't want to go in.

Mr North: To speak to Mr Chudleigh's comments, at present it's my understanding that there are white-tailed deer hunting preserves in the province. As a matter of fact, there's one in Commanda, which is in the finance minister's own riding. This is something that is presently happening in this province. It's supported by tourism organizations and by various other organizations. It is a

small business unto itself. It is participated in by a number of the white-tailed deer farmers at this time. They have made a substantial investment in it, and it is the bulk of their equity in what they're doing. They made the investment primarily for that reason. At minimum they would ask that the present preserves be grandfathered, and their hope would be that there would be some understanding from the government that it was actually encouraging deer farming in this province and is at present.

Mr Chudleigh raises a point with regard to this being native wildlife or a wildlife species native to this particular province. It is very similar to the situation with regard to bobwhite quail or ring-necked pheasants, which are native species to this province or have been identified now as native species to this province. So it is not uncharacteristic of this province to support that sort of thing. For the parliamentary assistant to suggest that it's not something this province can support — I would say we have supported for a number of years, under all forms of government, that very thing.

Mr Chudleigh: The game farm that you referred to is a 100-acre fenced area. It was started after first reading of this bill. There is an ability under regulation to recognize this type of game farm in the future, but at this point in time the government has no intention of moving in that direction.

Mr Michael Brown: I am surprised. I understood that much of this was supported by OMAFRA and a minister of the crown, that the agricultural community could go forward and this was a means to go forward.

Mr Chudleigh: Raising deer for the purposes of meat or venison is encouraged by OMAFRA and by the Ministry of Natural Resources; however, hunting game in captivity is not. Hunting white-tailed deer in captivity is not something we want to pursue.

Ms Martel: I would just ask the parliamentary assistant if he can explain what would appear to me to be a contradiction, because we permit pheasant farmers to hunt on a hunting preserve, which I assume would be in captivity. The association also told us this morning that exotic deer farmers are allowed to hunt their farm-raised deer on hunting preserves. We also had the example of trout farmers being allowed to do that on their private property, on their fish farms. I see this as quite a large contradiction in terms of what the ministry is allowing for other game on people's properties, which is already recognized.

You need to explain better to me why the ministry is prepared to allow hunting of game in some circumstances on people's private property and preserves but not in this case.

Mr Chudleigh: It's a situation that perhaps hasn't been looked at in enough detail at this point in time. The size of the facility might have a great deal to do with it. If you consider the hunting of an animal within a fenced area that has no means of escape — a bird may have a chance to fly, whereas the white-tailed deer or any four-legged animal may not. It's just something we're not ready to proceed with at this time.

Mr North: I apologize for being argumentative, but it seems to me that there has to be some understanding of a commitment that's perceived to have been made by the province and a commitment that has been made by these agricultural people. They have literally hundreds of thousands of dollars invested in this particular form of agriculture. It is a legal form of agriculture in the province today. It is a form of agriculture that has been encouraged by the ministry.

I would beg to differ with regard to an understanding of this type of agriculture, because people who are supportive or who would encourage this form of agriculture who have done any research whatsoever — and I assume that the Ministry of Agriculture in this province, having been parliamentary assistant myself at one point, would have done their research and done their homework. They would understand that in many other provinces in this country this form of agriculture and this form of gaming pursuit is legal and is supported by the governments themselves.

It is very advantageous for the province in terms of tourism, economics, small business, diversification, and most especially in our area, southwestern Ontario, in terms of diversification in agriculture because of the problems we will have or have had in the past with regard to tobacco. It is an excellent opportunity to diversify, an excellent opportunity to make investment in diversification in agriculture and an excellent opportunity for agriculturists to find a diversified product that there is an interest in. From an economic standpoint, it is an excellent opportunity for people in the agricultural sector. The parliamentary assistant comes from the agricultural sector and he understands it very well.

The opportunity for people to visit this province, to hunt game — I would argue with the member that in terms of the hunting or pursuit of this game, we are not talking about 1,000 animals on 100 acres; we are talking about a small number of animals and we are talking about a select opportunity that exists.

In terms of your argument that it's all right for birds that fly because they have an opportunity but it's not all right for four-legged animals, the last time I looked, red deer and fallow deer had four legs the same as white-tailed deer. Wild boar have four legs. If you could explain to me specifically what it is about white-tailed deer that is different from red or fallow deer and why it is that this ministry is specifically not interested in supporting the hunting of white-tailed deer behind fences, I would be very appreciative of that.

Mr Chudleigh: They're not a native species.

Mr North: Ring-necked pheasant and bobwhite quail are not native species?

Mr Chudleigh: No, your deer question regarding the different species of deer: They are not native species and they don't present the same dangers. They are not covered specifically in this act; however, through regulation, they could be controlled in this act or the operations be expanded.

Mr North: I would be interested to know, then, what controls MNR will have over red deer and fallow deer,

since they're not being included as farmed animals. In terms of risk — I assume you're suggesting problems with disease or something of that nature — I would be interested to know how it is that you would be more concerned about a native species and disease than you would be about red deer or fallow deer with regard to disease, on the basis that you and I both know the problems on the Bruce some time ago, at least suggested problems that occurred on the Bruce some time ago, and the concern that was expressed by MNR with regard to red deer or fallow deer being put in a compound or being released into the wild.

I'm not asking for a lot here. I'm asking for consideration and a small change in the bill to accommodate a small sector of people who have committed all their agricultural economics to this one particular pursuit.

1610

Mr Chudleigh: I've indicated that the bill would permit this type of thing by regulation. I think that's about as far as I can go today.

Mr North: Can you explain it to me so I understand what you mean by how it permits it by regulations?

Mr Chudleigh: There are regulations within the bill that would permit this type of activity.

Mr North: Farming or hunting?

Mr Chudleigh: Farming, not hunting.

Mr North: That's not what we're asking for with regard to the amendment.

Mr Chudleigh: I understand that.

The Vice-Chair: Any further discussion? Shall this amendment carry? All those in favour? All those opposed? The amendment is lost.

We'll move on to the next one, an NDP motion.

Ms Martel: Madam Chair, there's a bit of a change, if I might. I know people have it in front of them, but as a result of this morning's discussion, I move that subsection 1(2) of the bill be amended by adding the following clause:

"(b.1) includes any product," — and here is the change I propose — "derivative or other thing made from the animal, invertebrate or fish."

The rationale for the move is to clarify that in many cases whole animals or parts of animals are relatively easy to distinguish, especially for the purpose of making sure that we're not trading bear parts, bear galls etc. But we need to recognize that parts of animals are not so easily distinguishable, for example, gall bladder could end up in the form of a pill or other thing that still shouldn't be traded or sold. It's to recognize that we need to deal with not only parts of or whole animals, but their derivatives as well. It's to try to get a clarification around that.

Mr Chudleigh: I understand what you're proposing. However, from a policy perspective we want to stay with "parts." If we get involved in products, it becomes too broad. You get involved in perhaps opening cans in a small grocery store to try and determine where a product might have come from. You get derivatives out of parts, so if you can ban parts, you can control the products or the derivatives of those parts.

Ms Martel: Even for MNR staff some of that wouldn't be easily distinguishable, so you might cut out part of an illegal trade but not all of it if you're focusing only on parts or whole pieces of animals versus trying to get at some of the other uses that people would make of them, which obviously the ministry is trying to ban, for example, a traffic in gall bladders.

Mr Chudleigh: If we were dealing specifically with gall bladders you might have a more sustainable argument, but as you're dealing with a broad range of things, some of which are cultural in nature, it may cause some difficulties. We think the focus on parts will give us the control we need when dealing with the products and the derivatives of those products.

Mr Michael Brown: Well, I'm thoroughly confused. It seems to me that this is a good idea. The fact that you may not be able to identify them in every case does not negate the case for doing it. If we're trying to stop the traffic in animal parts, you have to look one step down the road. Just because you may have difficulty and some might get by you doesn't mean you shouldn't have something in the act that permits you, if you do happen to identify it, to stop it.

The Vice-Chair: Further discussion? Is there a clarification that you wish?

Mr Chudleigh: Could we work with the wording and come back to this one? Can we stand it down?

Ms Martel: Then you'd stand down the next one as well, because it does the same thing in a different section. I'd stand both down.

The Vice-Chair: We have to have unanimous consent to stand them down. Do we have that? Agreed. That will mean we'll leave section 1, obviously.

We have sections 2 to 5. Shall sections 2 to 5 carry? Carried.

We're looking at your page 8, section 6.

Mr Chudleigh: I move that subsection 6(2) of the bill be amended by striking out "Despite subsection (1)" in the first line and substituting "Despite subsection (1)'s requirement for a licence."

The Vice-Chair: Any discussion? Shall this amendment carry? All those in favour? All those opposed? Carried.

The next one is on page 9.

Mr Chudleigh: I move that subsection 6(3) of the bill be amended by striking out "Despite subsection (1)" in the first line and substituting "Despite subsection (1)'s requirement for a licence."

This again is a technical clarification allowing farmers to hunt or trap specific animals on their land without being required to obtain a licence.

Ms Martel: In both amendments you're just changing the wording, not the intent — fixing it up?

Mr Chudleigh: Absolutely.

The Vice-Chair: Shall this amendment carry? Carried.

Shall section 6, as amended, carry? Carried.

Shall sections 7 to 10 carry? Carried.

Shall section 11 carry? Carried.

Mr Michael Brown: Wait a minute. Isn't there an amendment to section 11?

The Vice-Chair: Nobody moved it.

Mr Michael Brown: Oh, so it's not being moved.

Mr Gilchrist: It's not a government motion. It's the PC member's.

The Vice-Chair: We're looking at section 12. Shall section 12 carry? Carried.

We're looking at a government motion on page 11.

Mr Chudleigh: I move that clause 13(1)(a) of the bill be amended by striking out "or any other hunting, trapping or fishing device" in the second and third lines and substituting "or any other thing used for hunting, trapping or fishing."

Section 13 makes it an offence for a person to interfere with lawful hunting, trapping and fishing. This approach is consistent with the direction adopted by virtually every other jurisdiction in North America. The intent of section 13 is to minimize conflicts in the field between hunters, trappers, fishers and others. It allows officers to intervene without having to lay a criminal charge. The suggested change represents an improvement over the current wording in section 13, in that it more clearly includes the range of things used by hunters, trappers and fishers, such as hunting blinds etc, and their activities. The proposed change is supported by the Ontario Federation of Anglers and Hunters and the Fish and Wildlife Advisory Board.

1620

The Vice-Chair: Any discussion? Shall this amendment carry? Carried.

The next amendment is an NDP amendment.

Ms Martel: I move that subsection 13(1) of the bill be struck out and the following substituted:

"Obstruction of hunting, trapping and fishing

"(1) A person shall not interfere with lawful hunting, trapping or fishing.

"Exception

"(1.1) Subsection (1) does not apply in the circumstances prescribed by the regulations."

The rationale, as one of the presenters noted, is that this section — and I don't have a problem with it — sets out what people should not be doing, that they should not be engaged in interfering in other legal activities. However, I think there are some circumstances where some interference in that would be necessary, but a person, by the very fact of interfering, would then put themselves clearly in conflict with the act.

I've put down a subsection that deals with some circumstances that would be prescribed in the regulations, where people — in the example that was used this morning, someone whose dog is caught in a trap could get them out of that trap without appearing to be circumventing or interfering with the law. It's to allow for those possibilities to be developed in the regulations.

Mr Chudleigh: This is a very broad definition you're bringing in. When this section of the act was drafted, we had to seek constitutional law advice on this particular one because of the sensitivity of dealing with individual rights around this issue. I noted the presentation we had this

morning, which made a very good point. The section is drafted very carefully regarding constitutional law, and to make this amendment probably would contravene those acts. I'm not an expert in that area, but I'm told that could very easily be the case.

We did have a discussion about how that can be controlled. We believe something can be done in regulation to perhaps control some of the areas.

Ms Martel: In fact, that was what I was asking for: for some of those circumstances to be developed in the regulations so that there would be an exception applied to people who find themselves in that circumstance. Right now, as the section appears, under 13(1)(a), (b) and (c), there is no exemption for anyone under any circumstance who finds themselves contravening the law, but for a purpose that is not unlawful. If they do any of these things, if they interfere, they contravene the act.

Mr Chudleigh: I would refer you to section 100, which reads:

"100. A person shall not be convicted of an offence under this act if the person establishes that,

"(a) the person exercised all due diligence to prevent the commission of the offence; or

"(b) the person honestly and reasonably believed in the existence of facts that, if true, would render the person's conduct innocent."

It's a due diligence clause. Hopefully, some common sense would be applied in the field in those situations. I see Mr Brown shaking his head. I guess referring around constitutional law makes it very difficult.

The Vice-Chair: Shall the amendment carry? All those in favour? All those opposed? Defeated.

Shall section 13, as amended, carry? Carried.

Shall sections 14 to 23 carry? Carried.

We're looking at the motion on page 13. Is anyone prepared to move that? No. Okay, page 14.

Mr Gilchrist: Excuse me, Chair, is the proper question not, "Are there any amendments to section 24?" I think that would expedite the process. Only those people who have shown up can make amendments. I think it would move a little faster.

The Vice-Chair: We're just asking the question here. Looking at the next one, subsection 24(2), is there anyone to present that? All right, we'll move on to page 15.

Mr Chudleigh: I move that subsection 24(4) of the bill be struck out and the following substituted:

"Exceptions

"(4) Subsections (2) and (3) do not apply in the circumstances prescribed by the regulations."

This change includes subsections (2) and (3). Both (2) and (3) have exceptions made by regulation, needed to address some situations where people legitimately hunt from canoes.

Mr Gilchrist: There's one thing I'd like to put on the record. I believe this amendment reflects the concerns expressed by Mr Ouellette and outlined in some of his other proposed amendments.

The Vice-Chair: Any further discussion? Shall the amendment carry? All those in favour? All those opposed? Carried.

Shall section 24, as amended, carry? Carried.

We're looking at page 16.

Mr Chudleigh: I move that subsection 25(1) of the bill be amended by striking out "or elk" in the third line and substituting "elk or black bear."

The Vice-Chair: Discussion?

Mr Chudleigh: It's yours.

Ms Martel: No, we have the same one.

Mr Chudleigh: We could pass yours just for fun.

Ms Martel: Yes, we could.

The Vice-Chair: I would just point out to you that the NDP motion says "caribou or elk."

Ms Martel: "Caribou" is already in there, actually, so it was just to phrase it. It's not a change.

The Vice-Chair: Any further discussion? Shall the amendment carry? Carried.

Ms Martel: Then mine will be out of order. I withdraw it, if that's easier.

The Vice-Chair: Thank you.

We're looking at page 17.1. This will be at the back of your package. Shelley, I think this is the same.

Ms Martel: Withdrawn.

The Vice-Chair: Thank you.

Shall section 25, as amended, carry? Carried.

Shall sections 26 to 30 carry? Carried.

We're looking at page 18.

Ms Martel: I move that subsection 31(1) of the bill be amended by striking out "or is about to damage" in the second and third lines.

The rationale for that is to make it clear that if on private property an individual is going to destroy an animal, it be very clear that that animal is causing destruction. It's to remove any kind of arbitrary ability to judge that one way or the other; that damage has to occur for the person to take that step to actually destroy the animal.

Mr Klees: In other words, the damage has to have already taken place. Is that your intent?

1630

Ms Martel: My concern is that an animal — let's use a bear, for example — at someone's cottage will come because there is food out, so the bear is starting to wander through the property. The individual might assume there's going to be some damage to the property and either shoot the bear or wound the bear. Wounding is what I'm more concerned about; then he causes an even greater threat either to that property owner or to adjacent homeowners or cottage owners. What I'm trying to get at is that there is obviously occurring some form of threat or damage to that property owner or property.

Mr Chudleigh: Basically, the damage has to occur before the animal can be said to be a nuisance.

Ms Martel: There are two that go together. If I can speak to both at the same time, maybe it would make it clear. In other jurisdictions, for example, in Nova Scotia and Newfoundland, certain measures have to be followed

by the property owner before an animal can be destroyed. You have to talk to a conservation officer, for example, to describe what kind of changes you've tried to make in order to get that animal away from your property. If everything has been done and that animal is still causing damage, the CO comes to dispatch or destroy it.

What I'm trying to get at is for an individual to take (a) all reasonable precautions or (b) all reasonable measures to try to deal with that without having their first move be to destroy the animal.

Mr Chudleigh: It makes the protection of property far more difficult. I think farmers would be opposed to this. We do go down this road a way when we deal with deer, in that they fall under special circumstances. It would also be very difficult to enforce in many instances. I can't support this motion.

Mr Michael Brown: I cannot support it either. In the real world, at least where I live, there could be a threat that is about to occur and you have to do something and it has to be done now. We would end up putting some people in the position of contravening an act when any reasonable person would have taken the same step. I have the concerns Ms Martel does, but I'm concerned that this wording would cause more problems than it would solve. In our area calls to a conservation officer occur on a regular basis, but conservation officers are not necessarily available all the time. In the real world, with your amendment, Shelley, there would be a lot of good people committing illegal acts.

The Vice-Chair: All those in favour? Opposed? The amendment is defeated.

We'll move on to 19.

Ms Martel: I move that section 31 of the bill be amended by adding the following subsection:

"Restriction

"(1.1) Subsection (1) does not apply unless the person has taken all reasonable measures to discourage wildlife from damaging the person's property."

Again it goes back to my concern. As in some other jurisdictions, where it is clearly laid out what measures you have to take, I'm suggesting that we incorporate a similar set of measures in the province to make sure that some action is taken before you destroy an animal, to mitigate the reason you're going to end up having to destroy that animal.

Mr Chudleigh: By practice, this is what we would encourage people to do. If people phone in, we would encourage them in this direction. It would be very hard to ensure that it does occur. It would be very expensive. It's a huge workload. Other than encouraging it through policy and application, I can't support the motion as is.

The Vice-Chair: All those in favour? All those opposed? Amendment defeated.

We'll move on to a Liberal motion.

Mr Michael Brown: I move that clause 31(3)(b) of the act be struck out and the following substituted:

"(b) a white-tailed deer or wild turkey, unless the person harasses or kills the deer or turkey in accordance with the authorization of the minister; or"

We are reacting to suggestions by the Ontario Federation of Anglers and Hunters. All we're doing here is adding "wild turkey" to that definition. Knowing that the reintroduction of wild turkeys into this province has been a huge success, it only makes sense to afford the same kind of protection to them.

Mr Chudleigh: I would point out that the Ontario Federation of Agriculture has opposed an amendment such as this. They could be added to the exemptions by regulation, such as the white-tailed deer are. You mentioned the huge success of the wild turkey reintroduction. In some areas of Ontario, it has been huger than in others. In some conditions, wild turkeys are becoming a significant problem.

Mr Michael Brown: The same goes for white-tailed deer.

Mr Chudleigh: It's the same situation.

The Vice-Chair: All those in favour of the amendment? All those opposed? Amendment defeated.

The next one, on page 21, is an NDP motion.

Ms Martel: I move that section 31 of the bill be amended by adding the following subsection:

"Endangered species

"(3.1) Clause (1)(b) does not apply to a species prescribed by the regulations made under the Endangered Species Act."

Mr Chudleigh: This protection already exists under section 2. If there is a conflict, the Endangered Species Act will apply.

Ms Martel: You're saying it's redundant in this section?

Mr Chudleigh: I'm saying it already exists.

Ms Martel: Then I'll withdraw it.

The Vice-Chair: Moving on to page 22, Ms Martel.

Ms Martel: I will withdraw this one as well.

The Vice-Chair: Shall section 31, as amended, carry? Carried.

Shall sections 32 to 35 carry? Carried.

We're on page 23, a government motion.

Mr Chudleigh: I move that section 36 of the bill be amended by adding the following subsection:

"Exceptions

"(6) Subsection (5) does not apply in the circumstances prescribed by the regulations."

Section 36 is intended to prevent the wastage and spoilage of wild fish and game. The proposed change would provide flexibility for exemptions from the prohibition concerning the fish spoilage section. We're probably familiar with this. This proposed change would accommodate the concerns of the Ontario Aquaculture Association. It may be necessary to kill fish and allow them to spoil in order to prevent or control the spread of disease. That's why this is being put in.

The Vice-Chair: Any further discussion? All those in favour? Carried.

The next one, page 29.

Ms Martel: Since the government has just responded to my concern, I will withdraw.

Can I just ask one question? They also had a concern about labelling of containers in one other section. Are you going to address those in this bill or under regulations?

Mr Brisbane: The bill provides us the ability to deal with it by regulation, and we've assured the industry we intend to deal with it by regulation.

Ms Martel: Thank you for getting that on the record.

1640

The Vice-Chair: Shall section 36, as amended, carry? Carried.

Shall sections 37 to 39 carry? Carried.

We're looking at a Liberal motion, page 25.

Mr Michael Brown: I move that section 40 of the bill be amended by adding the following subsection:

"Exceptions

"(5) Subsection (4) does not apply in the circumstances prescribed by the regulations."

We're responding to the Ontario Hawking Club's presentation earlier today, just to allow a little more latitude here.

Ms Martel: If I can add to it, it will allow falconers to take wild birds. The PA was good enough to ask the members of the association what kind of conditions could be put on that, and they made it very clear that in discussions with the ministry they've been looking at an apprenticeship program for 15 to 18 months, where only one bird would be dealt with as a sponsorship; a limit on the possession of birds, three per falconer; and only taking first-year birds. I think the ministry's concern about the conditions you apply to make sure that they are not taking a number of wild birds or mature birds can be addressed in the regulation, and that's what this would allow to have happen.

Mr Michael Brown: I might just add that this would be similar to provisions found in 53 North American jurisdictions.

Mr Chudleigh: We've had a lot of conversations about this regulation. The sensitivity of this particular stock, these particular species of birds, having it enshrined in an act as opposed to in regulation, would make it far less flexible. We would like to handle it in regulations so that if the stock of birds became vulnerable for any reason in the future, we could amend or change those, given the situation at that time.

Mr Michael Brown: Unless we change it, under what the minister can do in subsection 62(6), you would already have that kind of —

Mr Chudleigh: It's already a very large section and one which has received some attention from the proponents today already.

Ms Martel: Can I be clear? Can I ask the ministry staff something? My understanding is that if you don't put this in, you don't even allow for that discussion to happen.

Mr Brisbane: We've had a number of very positive discussions with the Ontario Hawking Club over the last several months, as a recent letter they sent to the minister would attest to. The way section 40 and the section being discussed work, we envision an authorization regime under which the minister would be able to accommodate

things by authorizing somebody to do that and by putting conditions on that authorization. We think we can accomplish the same thing with that approach as opposed to a regulatory scheme associated with it.

The topic of allowing young birds to be taken has been the subject of a great deal of controversy over 15 years at least, and there have been a number of reviews of it. We believe we can accommodate what's being asked under the bill the way it is now and the way it's structured today.

Ms Martel: And you're going to do that specifically under subsection 62(6)?

Mr Brisbane: No, I didn't say that.

Ms Martel: I'd like to know where it appears in the new act.

Mr Brisbane: Subsection 40(4): "A person shall not hunt or trap game wildlife or specially protected wildlife for the purpose of keeping it in captivity unless the person has the authorization of the minister."

The minister can then authorize someone to take a young bird for that purpose, if he deems it to be appropriate, and he can put conditions on that. The same mechanism can be accommodated in two ways. One is under subsection (4), and that's how it's proposed to be accommodated, the way the bill is structured now. The suggestion from the hawking community is, "Don't do it that way; do it through a regulatory approach." We're saying we think we can accommodate it appropriately this way.

Ms Martel: But it would be your intention to accommodate them and to resolve this issue?

Mr Chudleigh: In essence.

Mr Brisbane: If I can add to that, our ability to adjust things on an individual basis is more thorough, with an authorization approval versus a regulation.

Ms Martel: Sorry to prolong this, but surely there can't be that many different conditions that could be foreseen to have a different authorization for each different case. It's not a big group of people. You're talking about 50, maybe, in the province taking perhaps 20 birds a year.

Mr Brisbane: There are about 120 falconers in the province; approximately 50 to 60 belong to the Ontario Hawking Club. We continue to believe that authorizations allowing people to take young wild birds are — not everyone agrees with that, and we think the authorization for those sort of things have to be carefully worked through on an individual basis, depending on the circumstances, and where the taking is to take place and that sort of thing. It will be much more difficult to do that in a regulatory regime because it won't allow the flexibility to deal with things on an individual circumstance. The falconry community uses a different variety of birds in Ontario. It's a complex situation. We're committed to working with them to try and accommodate it, but we think we need the flexibility to do it through authorization as opposed to the regulatory regime.

Mr Michael Brown: I'm a little amazed that we in Ontario would believe that we can do this better than 53 other jurisdictions in North America.

Mr Chudleigh: It wouldn't be the only thing that we do better than 53 other jurisdictions in North America.

Mr Michael Brown: That may be so, but it seems to me that in terms of regulations there is ample evidence of what exists across other jurisdictions, and if we could more or less standardize with those other jurisdictions, it would come to a happy conclusion. It would probably take a lot of bureaucratic time trying to make every decision on every application. It seems to me not a terribly good use of taxpayers' money.

Mr Chudleigh: The sensitivity of this particular issue is such that we want this kind of control. I can't support the motion.

The Vice-Chair: Any further discussion? Those in favour of the amendment? Those opposed? Motion defeated.

The next one I'll rule out of order since it is identical.

I'll ask then, does section 40 carry? Carried.

Do sections 41 to 46 — I'm sorry, we have to back up here a moment. We have a late motion that came in; it came afterwards, a Liberal motion, section 41. It was handed out when you came in.

1650

Mr Michael Brown: I think the discussion — heck, I'll move it.

Ms Martel: Move it anyway.

Mr Michael Brown: I move that section 41 of the bill be amended by adding the following subsection:

"Farm-raised white-tailed deer

"(1.1) Subsection (1) does not apply to the hunting of farm-raised white-tailed deer in an enclosed area where farm-raised white-tailed deer are released for hunting purposes."

Mr Chudleigh: I think we've spoken to this amendment previously and we can't support it this time.

The Vice-Chair: Those in favour? Those opposed? The motion is defeated.

We had one filed, but no one here to move it, on section 41 as well, so shall section 41 carry? Carried.

Shall sections 42 to 46 carry? Carried.

We're looking at page 27, a government motion.

Mr Chudleigh: I move that the English version of subsection 47(1) of the bill be amended by striking out the portion before clause (a) and substituting the following:

"Aquaculture

"(1) a person shall not engage in aquaculture unless the fish that are cultured,"

This change is associated with the proposed use of the term "aquaculture" in the bill. This proposed change is consistent with the overall policy directive of the act concerning the culture of fish. It's basically one of clarification.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? Carried.

Shall section 47, as amended, carry? Carried.

Looking at page 28, a government motion.

Mr Chudleigh: I move that subsection 48(3) of the bill be amended by striking out "Despite subsection (1)" in the

first line and substituting "Despite subsection (1)'s requirement for a licence."

Basically it permits a licensed trapper to sell the carcass or pelt of a furbearing mammal trapped under licence without requiring a separate licence to sell. The motion clarifies what happens in accordance to everyday activities.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? Carried.

Shall section 48, as amended, carry? Carried.

Shall sections 49 to 53 carry? Carried.

We're looking at page 29, a government motion.

Mr Chudleigh: I move that clause 54(3)(b) of the bill be amended by adding "unless otherwise directed by the minister," at the beginning.

This clause addresses wildlife or an invertebrate that has been transported into Ontario or that has been propagated from stock that was transported into Ontario. The section requires the capture or killing as soon as practicable of such specimens if they escape or are released without authorization. The proposed change is consistent with the approach taken in section 46 of the bill concerning the killing or recapturing of escaped farm animals, especially protected wildlife or game wildlife.

When we bring material in from other areas it puts wildlife at risk and it may spread disease or it may spread genetic traits which are undesirable in the Ontario herd or flock.

The Vice-Chair: Any discussion? Those in favour? Those opposed? Carried.

Shall section 54, as amended, carry? Carried.

Shall sections 55 to 60 carry? Carried.

Looking at page 30, Ms Martel.

Ms Martel: I move that subsection 61(1) of the bill be amended by adding at the end "in accordance with this act and the regulations."

The rationale for several amendments I will move in this section is that I am very concerned about the large amount of discretion that is vested in the minister under this section, particularly in a section that follows, 62(6), but there is a reference back, which is why I am making the change now.

I don't believe there is a need for the kind of discretion that is permissible under this bill. In fact I believe that most people out there, when it comes to protection of our resources, be they fish and wildlife, forestry or aggregate, want to be very clear that the government continues to assume control for that and accountability.

The second dilemma I have is that under a number of sections in the act the minister authorizes someone else to do things on his behalf. In this case it's to issue licences. The purpose of the amendment is to make sure that if that authority — the issuing of licences — is delegated, it is at least going to be done within the meaning of both the act and regulations so that whoever is dealing with authorizations on the minister's behalf is not going to be working outside both the act and the regulations.

Mr Chudleigh: This is a legal issue, and if I might, I'd ask counsel to make comments.

Miss Leith Hunter: Ms Martel, this section only talks about the issuance of licences. It doesn't talk about the imposition of conditions. All this section does is permit the minister to get somebody to issue licences for him, so Canadian Tire can issue fishing licences or hunting licences.

Section 62 is the section that talks about conditions, and that's the section that governs conditions that go on the licences, and that power has not been delegated outside the ministry. Subsection (2) says, "The minister may impose written conditions on a licence," so the condition-making power is not leaving the ministry. All that is going out in subsection (1) is the issuance, the power to get other people to issue on our behalf. Any complicated conditions would still be done by the minister or by regulation. Those issuers would not be imposing any condition on those licences.

Ms Martel: So it will all be set. The authorization is strictly for —

Mr Chudleigh: The issuing of licences.

Ms Martel: Let me ask with respect to trappers or OFAH, for example. As I understand it, there are discussions happening internally within the ministry with respect to trappers dealing with licences. What I want to know is, is that what that section refers to and would the same condition apply? That is, the ministry will set all the conditions and the only thing the trapping association will be permitted to do is to actually issue them, not with any terms and conditions attached. They won't have the final say on those licences.

Miss Hunter: Conditions can only come from the minister or from somebody within the ministry to whom that power has been delegated, so that's ministry staff. The fur managers' association will not be imposing conditions.

Ms Martel: Will the delegation of any this occur outside the ministry staff?

Mr Chudleigh: No.

Miss Hunter: The condition-making authority? There is no power in this act to have somebody else impose conditions. They can be done by the minister or by regulation.

Mr Chudleigh: They can be delegated within the ministry but they cannot be delegated outside the ministry.

Ms Martel: Thank you.

The Vice-Chair: Any further discussion?

Ms Martel: Madam Chair, if that's the case, I will withdraw that.

Mr Chudleigh: That's 61(1) that's going?

Ms Martel: Yes.

The Vice-Chair: Shall 61 carry? Carried.

Back to you, Ms Martel, with section 62.

Ms Martel: It may be that given the discussion we've just had, this can be cleared up. Let me ask the question before I move it. The "licence is subject to the conditions prescribed by the regulations." Is there any other section except for section 62 where some of the things that might be imposed on a licence actually appear? Or does it all appear under section 4 in terms of what may be on a licence and then anything after that goes into regulations?

Miss Hunter: May I answer that question? I'm not sure I understand it. Section 62 is the section really that deals with conditions that can be on licences or on authorizations. The conditions on licences can come from two places. They can come from the minister or somebody within the ministry to whom that power has been delegated, or they can be imposed by regulations. All that 62(6) says is, "We don't want the minister and the regulations having conflicting conditions." The minister can impose conditions, but he's not going to be able to conflict with any conditions that have been imposed by regulation. That's why it doesn't refer to the act. It doesn't need to because a licence can't conflict with the act.

Ms Martel: Okay, I will withdraw that.

1700

The Vice-Chair: We'll look at page 32, a government motion.

Mr Chudleigh: I move that subsection 62(6) of the bill be amended by striking out "The minister may, in an authorization given under this act" in the first and second lines and substituting "If a provision of this act permits something to be done with the authorization of the minister, the minister may, in the authorization."

This morning we heard a lot of concern about the amount of control, through regulations, of this act. This change responds to those concerns we had had expressed. We believe it clarifies that authorizations may only be given where the act specifically refers to an authorization. We think this amendment clarifies that.

Ms Martel: I'm not sure I understand that, but I think the second thing I heard from people was a real concern that under this section you could basically have an authorization that contravened anything that was already in the act or the regulations. That is, as I get it, the second half of this, which hasn't been addressed.

Mr Chudleigh: That basically was an incorrect assumption by some of the witnesses today.

Could you repeat your concern?

Ms Martel: I raised this when I spoke to the bill as well. As I read what's currently in place, which is where I think other people are coming from, the concern we all have is that through this particular section you allow the minister to authorize any act that may be quite contrary to the act itself or any of the regulations. What is the point, then, of having an act if the minister can do whatever he wants, quite outside of what we're trying to deal with today? I think that is what I heard other people say, like folks from CELA, the World Wildlife Fund and the Animal Alliance of Canada.

Forgive me, but the change you're providing doesn't clear that up for me, because the whole second part of the sentence continues and says, "permit for the purpose of the authorization any act or omission." It's the second part of this that I continue to have a problem with, because it still gives me the impression the minister can do whatever he wants, regardless.

Mr Chudleigh: But only in those parts of the act where that authorization is allowed. If it isn't specified, the minister has no authority on it.

Ms Martel: But in those sections the minister could still contravene the act.

Mr Chudleigh: Yes, he could, and has done in the current act; he has that authority there as well. It's used for the collecting of scientific materials or other similar prohibited activities that may be necessary for research or for educators or those kinds of things.

Mr Michael Brown: I have a great deal of difficulty with this clause. As you know, our amendment, which will probably be ruled out of order, just asks to strike this clause. We're having great difficulty understanding it. Could you give us some very specific examples of what this would be used for? Because it gives the minister — in the north we usually call the Minister of Natural Resources the imperial authority anyway. This is taking it a little bit farther.

Mr Chudleigh: Could I ask Miss Hunter to comment on it?

Miss Hunter: What this does is it carries forward something that exists under the current Game and Fish Act. It's an ability the ministry needs to have to respond to special situations.

What the current act says in a number of places is, "Except with the written authority of the minister and subject to any terms and conditions that he may impose, no person shall...." The same approach was taken there, only we've been a bit more up front here, because we've made it clear that if authorizations are given, there are instances when the people will be authorized to do things that are otherwise not permitted under the act.

An example of that is this: Section 39 says, "The minister may authorize a person to capture, kill or possess wildlife for educational or scientific purposes." If the minister was not able to have that power, scientists at an accredited university who wanted to do a study of one of our specially protected invertebrates or animals would not be able to do so because it would be prohibited under the bill.

The minister needed some flexibility to be able to say: "Mr University Professor, we've reviewed your proposal. It seems reasonable. We want to impose these conditions on what you're doing, but we're going to let you collect 10 monarch butterflies." There isn't an open season for monarch butterflies, but if there were, you could do it out of the open season and he might say you could use something to catch them that's otherwise prohibited in the act. That's the kind of flexibility that is given here. It is something that exists under the current act, and it's necessary for the ministry to carry out some of the activities they feel need to be authorized.

Mr Michael Brown: I understand the legitimate use of a section like this, but the way it's worded provides such huge latitude to the ministry. Is there not a more focused approach you could have to this particular issue than just carte blanche, saying, "He or she can authorize anything they wish"?

Mr Chudleigh: I understand this is actually a more clarified way to approach this. It's up front; you know all the sections in which the minister has that power.

Ms Martel: I think that's the problem; we don't because it's not referenced anywhere under 62(6). If you were to put that in and then say, as a part of (7), "The following are included: The minister, for educational or scientific purposes," whatever it might be used for under the current act now, then I think you'd have a lot more comfort from people. If you've given us one example, there are probably a couple of others. My question is, why can't we reference those either in the act or in the regulations to make it clear under what conditions 62(6) applies?

Miss Hunter: Excuse me; that's what this motion to amend would do. It would make it clear that you have to go to this section in the act and ensure that you have an authority to issue an authorization under that section. That was always the way the act was drafted, so this change is legally neutral, but it makes it clearer that you have to go to a section in the act and see if it's applicable. So if you want to see if the minister can issue an authorization to one of the members of the Ontario Hawking Club to take a specially protected raptor from the wild, you'd go to section 40(4) and you'd say he does have that power and he could do that. If you wanted to see whether he could give authority to somebody to take, for example, specially protected wildlife from the wild, we talked about the authority he could use to take it, and we'd also give those people an authority to keep the species in captivity.

This is really a carry-through from the former act of necessary powers to permit the act to be flexible in individual situations.

Ms Martel: Can I ask where it appears in the current act?

Miss Hunter: There's an example in 17(1) which says, "Except with the written authority of the minister and subject to such terms and conditions as he or she may impose, no person shall," and then it goes on and deals with hunting for hire.

Ms Martel: Part of that section now reappears, because we've already dealt with it.

1710

Miss Hunter: I am trying to find science and collection. Yes, section 52 says, "Except with the written authority of the minister and subject to such terms and conditions as he may impose, no person shall take a game animal by any means for educational or scientific purposes."

There are more examples and those powers have been carried through to the new bill. There are more in the new bill because the bill goes into areas that the act did not originally go into, like wildlife in captivity. There are some additional authorizations, but they existed before.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? The motion is carried.

We're looking at 33, a Liberal motion.

Mr Michael Brown: I move that subsection 62(6) of the bill be struck out.

Mr Chudleigh: Just given our discussion, I don't think I can support that.

Mr Gilchrist: Ted, just say no.

Mr Chudleigh: No.

Mr Michael Brown: We remain sceptical of the powers that are being given here. We remain a lot less than convinced that there isn't going to be a kind of law of unintended consequence that occurs here in that a minister of the crown will be given authority to do without any kind of supervision of the Legislature, or anyone else for that matter, things we wouldn't want. Part of the problem in this business is that we think of the present minister we have or the last minister we had, or whatever, but ministers and governments change. As legislators we have to be very careful about what authorities we're really granting. This seems pretty wide; it looks like you could drive a truck through it.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? The motion fails.

The next one is 33.1. It's at the end of your package and it's out of order.

Shall section 62, as amended, carry? Carried.

Shall sections 63 to 74 carry? Carried.

We look at page 34.

Ms Martel: Madam Chair, given that we didn't have acceptance of "fish farm" or "fish farm licence," I might as well withdraw this because it carries from that earlier section.

The Vice-Chair: Thank you.

Shall sections 75 to 78 carry? Carried.

We look at page 35, subsection 79(1).

Mr Chudleigh: I move that subsection 79(1) of the bill be amended by striking out "The minister may authorize a municipality to pass bylaws" in the first and second lines and substituting "A municipality may, with the authorization of the minister, pass bylaws".

This change clarifies the ministry's past and current position with municipalities, requiring approval from the Ministry of Natural Resources before passing bylaws respecting issuance of licences to hunt. The upcoming changes to the Municipal Act may achieve the same end. A consequential amendment may be made in the Fish and Wildlife Conservation Act in concert with the Municipal Act legislative changes. The above motion has been prepared in the event that a decision is made to clarify this point through directly amending the Fish and Wildlife Conservation Act. It's a clarification.

The Vice-Chair: Comments? Those in favour? Opposed? Carried.

Shall section 79, as amended, carry? Carried.

Shall section 80 carry? Carried.

We'll look at page 36, a Liberal motion.

Mr Michael Brown: I move that the bill be amended by adding the following section:

"Ecological sustainability

"80.1 The minister shall ensure that actions authorized under this act or the regulations are compatible with ensuring the ecological sustainability of the wildlife that are the subject of those actions."

The reason for this amendment is that the act, strangely enough, does not conform with any current thinking regarding biodiversity or ecological sustainability at all. It

would seem to me that presenting an act in the late 1990s that doesn't refer at all to the sustainability of the ecosystem is one that is certainly out of step with other legislation that the MNR has proposed and dealt with in recent years. We would see that most members — all members — would be supportive of this minor effort just trying to ensure that the goal of the bill is ecological sustainability.

Mr Chudleigh: We have published our statement of environmental values and every action we take must be consistent with those values. A statement re sustainability, while simple on the surface, potentially would subject every decision the ministry made to a legal challenge and it could bring the Ministry of Natural Resources to a standstill. We're working to develop a formalized function of conservation for application by policy.

Mr Michael Brown: That's really interesting, but I take you back to Bill 171, the Crown Forest Sustainability Act, which does contain an even more explicit definition of sustainability. It was supported by virtually everybody in the province, all groups, and it was included in the act. It seems to me that act is not challenged on a daily basis and every decision —

Mr Chudleigh: It might not be now but it's very close. There are a tremendous number of legal potholes that are sitting down the road on that bill.

Mr Michael Brown: It may be just that the government did not accept the very valuable opposition amendments at the time, he says.

Mr Chudleigh: In all humility.

Mr Michael Brown: Yes, in all humility.

None the less, I find it strange that we wouldn't have at least something similar to this. I asked this morning of a group if they could explain to me what the definition of sustainability or conservation or whatever words you choose might be. At least this amendment attempts to put this into the legislation.

Mr Chudleigh: For the reason I stated I can't support the amendment.

The Vice-Chair: Any further discussion? Those in favour?

Mr Michael Brown: I think we should have — what do you call that? — a roll call.

The Vice-Chair: A voice vote? Okay, a recorded vote.

Ayes

Michael Brown, Martel.

Nays

Chudleigh, Danford, Froese, Gilchrist, Klees.

The Vice-Chair: The motion is defeated.

We'll look at 36.1.

Ms Martel: It's the same amendment so I will withdraw it.

The Vice-Chair: Thank you.

Shall section 81 carry? Carried.

Shall section 82 carry? Carried.

Looking at page 37, a government motion.

1720

Mr Chudleigh: I move that the English version of subclause 83(1)(b)(i) of the bill be amended by striking out "the culturing of fish" in the fifth line and substituting "aquaculture."

Mr Michael Brown: Agreed.

The Vice-Chair: Agreed? The motion carries.

Shall section 83, as amended, carry? Carried.

Shall sections 84 to 87 carry? Carried.

Page 38.

Mr Chudleigh: I move that section 88 of the bill be amended by inserting "or ammunition" after "firearm" in the third line.

When a conservation officer asks to check your firearm, he may also be allowed to check your ammunition.

Mr Gilchrist: For the record, this amendment is in response to some suggestions brought forward by Mr Ouellette.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? The motion carries.

Shall section 88, as amended, carry? Carried.

Shall sections 89 to 94 carry? Carried.

We're looking at section 94.1.

Mr Chudleigh: I move the bill be amended by adding the following section:

"Exemption from act or regulations

"94.1 The minister, for the purpose of investigations and other law enforcement activities under this act, may exempt a conservation officer from the application or any provision of this act or the regulations, subject to such conditions as the minister considers necessary."

When a conservation officer goes to perhaps buy illegal game or parts, he needs to be exempt from doing that or he may be charged in that action.

Mr Klees: I'd just like to clarify that the second-to-last line that was read by the parliamentary assistant should be clarified. He said "from the application or any provision" and I think it should be "of any provision."

The Vice-Chair: Thank you, Mr Klees.

Mr Chudleigh: My apologies.

Mr Michael Brown: I just want to clarify. So this would be this act only?

Mr Chudleigh: Yes.

Mr Michael Brown: So it doesn't apply to any other — okay.

The Vice-Chair: Those in favour? Those opposed? Motion carried.

Shall sections 95 to 103 carry? Okay.

Shall section 104 carry? All right.

Looking at page 40, government motion.

Mr Chudleigh: I move that the bill be amended by adding the following section:

"Compensation; offence under subs 46(1) or 54(1)

"104.1 (1) A court that convicts a person of an offence under subsection 46(1) or 54(1) may order the person to compensate the minister for expenses incurred by the

minister in capturing or killing any farmed animal, wildlife or invertebrate that was released.

"Exception

"(2) Subsection (1) does not apply to the person who kept or possessed the farmed animal, wildlife or invertebrate before it was released.

"Compensation; offence under subs 61(2)

"(3) A court that convicts a person of an offence under subsection 61(2) may order the person to compensate the minister for any amount collected by the person on behalf of the crown that has not been remitted to the crown."

The Vice-Chair: Further discussion?

Mr Chudleigh: I'm just waiting for Mr Klees to correct me. That was all.

Mr Klees: You did it perfectly that time.

Mr Chudleigh: This is a clause to assist the ministry. If a wild game animal were to escape, the owner of that animal must recapture that animal with all haste. If he fails to do so, the minister may authorize someone to go and do that job. If that person is then convicted of the offence of an escaped animal, the minister may collect the costs of recurring — no? I'm in the wrong act?

Mr Michael Brown: We're having a fight at the front table here.

Miss Hunter: May I clarify?

Mr Chudleigh: Yes.

Miss Hunter: There is an obligation on people who keep farm wildlife and other wildlife in captivity to keep them captive, and if they escape, they have to recapture them. There is already in the act a provision that permits the minister to recover his costs if he has to go out and do that.

It was brought to our attention by the OFAH that we had neglected to leave it possible for us to seek compensation from somebody who's a vandal, who does something to a farm or something where wildlife is kept in captivity; they break the fence. This would permit us, if they were convicted of the offence to, at the time of the conviction, recover from them the costs of recovering wildlife.

Mr Chudleigh: My apologies.

Mr Brisbane: Just a point of clarification: It was the agricultural community that brought it to our attention.

Mr Chudleigh: It deals with the issue of vandalization in that escape situation. Sorry.

Mr Michael Brown: So this is to go after the person who actually caused the release.

Miss Hunter: The vandals.

Mr Chudleigh: Yes. Somebody who might have knocked down a fence.

Mr Michael Brown: It doesn't necessarily have to be a vandal.

Mr Chudleigh: A person who was convicted of the offence.

The Vice-Chair: Any further questions. Those in favour? Those opposed? Motion carries.

Shall sections 105 to 109 carry? Carried.

Page 41.

Mr Chudleigh: I move that paragraph 4 of section 110 of the bill be struck out and the following substituted:

"4. Prohibiting or regulating the hunting, trapping or possession of wildlife, other than:

"(i) prescribing open seasons or closed seasons for wildlife,

"(ii) prescribing times of day during which the hunting of wildlife is or is not permitted, or

"(iii) prescribing limits on the number of wildlife of a species, sex, size, age or type prescribed by the regulations that may be killed, captured or possessed."

This is a clarification of the prescribed opening season hunting times, including the ability to prescribe hunting hours within the day.

Mr Michael Brown: Is this different?

Miss Hunter: Yes. The difference is subparagraph (ii).

Mr Michael Brown: I hadn't picked that up. Thank you.

The Vice-Chair: Any further discussion?

Mr Michael Brown: Not relating to this. Over and over again many of us do receive complaints about the ministry providing enough lead time on indicating the opening and closing of seasons, just to bring that to your attention, which I'm sure is done on a regular basis anyway.

The Vice-Chair: Any further discussion? Those in favour? Opposed? Motion carries.

We're looking at page 42, a government motion.

Mr Chudleigh: I move that the English version of paragraph 35 of section 110 of the bill be amended by striking out "the culturing of fish" in the first line and substituting "aquaculture."

The Vice-Chair: Any comments? Those in favour? Those opposed? Carried.

The next one, page 43.

Mr Chudleigh: — refers to a 13(1) motion.

Ms Martel: Which I think was voted down.

Mr Chudleigh: It was defeated.

The Vice-Chair: Withdrawn?

Ms Martel: Yes.

1730

The Vice-Chair: Okay. Looking at the next one, page 44.

Mr Chudleigh: I move that paragraph 54 of section 110 of the bill be amended by inserting "24(2)" after "20(1)" in the third line.

This change provides flexibility for exemptions from the prohibition —

The Vice-Chair: No, we've got the wrong script there.

Miss Hunter: It's related to the change in section 24 with respect to how you exempt people who are hunting from vessels.

Mr Chudleigh: Section 24(2) provides for an exemption for people who are hunting from vessels such as canoes. It again is one of Mr Ouellette's concerns.

The Vice-Chair: Is there any further discussion? Those in favour? Opposed? Carried.

Looking at the next one, page 45, Mr Chudleigh.

Mr Chudleigh: I move that paragraph 54 of section 110 of the bill be amended by inserting "36(5)," after "36(3)" in the fifth line.

This change provides for flexibility for exemptions from the prohibition-of-spoilage section. This approach is consistent with that used in other sections of the bill and deals with the needs of the aquacultural group.

The Vice-Chair: Any questions or discussion? Those in favour? Those opposed? Carried.

Page 46, Mr Brown.

Mr Michael Brown: I'm going to withdraw this amendment, as it dealt with the falconry amendment that was unsuccessful.

The Vice-Chair: Thank you. Ms Martel, the next one is yours and it's identical.

Ms Martel: It's the same, so I will withdraw it.

The Vice-Chair: All right. Thank you. Mr Brown?

Mr Michael Brown: I move that paragraph 55 of section 110 of the bill be amended by striking out "June 9, 1997" in the second line and substituting "the day this act received royal assent."

The purpose of putting this amendment is to change the effective date of the restrictions to the date that this bill receives royal assent rather than the retroactive date of June 9, 1997. It was presented by the Ontario Federation of Anglers and Hunters and is of concern to many people who are in the hunting dog community.

The Vice-Chair: Comments?

Mr Chudleigh: Could I have just a moment, please?

The Vice-Chair: Yes.

Mr Chudleigh: There are a number of sections in the bill that refer to restricting operations to the date of the introduction of the bill. The government feels those restrictions should be upheld.

Mr Michael Brown: Why is the date of royal assent not more practical?

Mr Chudleigh: Because some of the numbers of people in those kinds of businesses have expanded. They knew at the time the bill was introduced that they would not be able to do that, but they've gone ahead and done that. I suppose they've been hoping that this would take place. We're not prepared to do that at this time.

Mr Michael Brown: It seems to me not unreasonable that people would have the assumption that a bill that is not law wouldn't necessarily be in force until it is.

Mr Chudleigh: There is legislative precedent for it. If it were to be prior to the date of first reading, I think you would have a point.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? The motion fails.

Shall section 110, as amended, carry? Carried.

We will look at section 111, a government motion.

Mr Chudleigh: I move that subsection 111(1) of the bill be amended by adding the following paragraph:

"2.1 prescribing times of day during which the hunting of wildlife is or is not permitted."

This change simply clarifies that prescribing open season hunting times, including the ability to prescribe hunting hours within a day, is sometimes required for

hunting regulations. It's the flip side of the earlier regulation transferring the responsibility from the Lieutenant Governor to the minister.

The Vice-Chair: Are there any further comments or questions? Those in favour? Those opposed? The motion carries.

Shall section 111, as amended, carry? Carried.

Shall sections 112 to 126 carry?

Mr Michael Brown: No, we go to 125.

The Vice-Chair: All right. We'll go from section 112 to 125. Carried.

Section 126.

Mr Michael Brown: This is the title of the act. I was dismayed, and I wonder if I could have an explanation for why the title of this act doesn't say the "Fair Fish and Fair Wildlife Conservation Act."

Mr Chudleigh: The minister chose it.

The Vice-Chair: Any further —

Mr Chudleigh: There was an amendment that was put down.

The Vice-Chair: Yes, we're coming to that. We're going to do that after we've done the schedules.

Shall section 126 carry? Carried.

Shall schedules 1 to 11 carry?

Now we're looking back to section 1, which we agreed to stand down.

Mr Chudleigh: If I might make a comment, the specific addition of products that you've suggested moves it into an area which we have not been deeply involved in before. It includes, for example, products such as fur coats, moccasins and art from bones. We are not prepared to move into this area extensively without further studying the implications of this move. I understand where you're coming from and we have some sympathy with the examples you used, but there are these other consequences to the action and at this time we are probably not prepared to move into that area. But —

Mr Klees: We support them in spirit.

Mr Chudleigh: Support in spirit.

The Vice-Chair: Any further discussion? Those in favour? Those opposed? The motion fails.

The second one then, Ms Martel. Is this the same?

Ms Martel: It's the same rationale.

Mr Chudleigh: It is the same rationale.

The Vice-Chair: Okay. So you will withdraw?

Ms Martel: No.

The Vice-Chair: Oh, okay. Those in favour? I'm sorry; I didn't let you move it. Perhaps we'd better do that.

Ms Martel: I move that subsection 1(6) of the bill be amended by striking out "and" at the end of clause (a), by adding "and" at the end of clause (b) and by adding the following clause:

"(c) a product, derivative or other thing made from an animal or invertebrate that is not easily distinguishable from a product or other thing made from an animal or invertebrate to which this act applies shall be deemed, in the absence of evidence to the contrary, to be a product or other thing made from the animal or invertebrate to which this act applies."

The Vice-Chair: Any discussion? Any comment? Those in favour? Those opposed? The motion is defeated.

Shall section 1, as amended, carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill, as amended, to the House? Agreed.

1740

GOOD SAMARITAN ACT, 1997

LOI DE 1997

SUR LE BON SAMARITAIN

Bill 166, An Act to protect Persons from Liability in respect of Voluntary Emergency Medical or First Aid Services / Projet de loi 166, Loi visant à exonérer les personnes de la responsabilité concernant des services médicaux ou des premiers soins fournis bénévolement en cas d'urgence.

The Vice-Chair: I am going to ask the committee for direction here. Committee members, we do have to call staff over for Bill 166.

Mr Gilchrist: Which staff?

The Vice-Chair: Legislative counsel.

Mr Gilchrist: Why? Has someone summoned them?

Interjection.

The Vice-Chair: Okay. We have counsel here; we can call research. This is the Good Samaritan Act, private member's Bill 166.

Mr Gilchrist: We could be doing things before the researcher comes: inviting any comments or submissions from any of the three parties.

The Vice-Chair: Well, I'm at the discretion of the committee here on this.

Mr Chudleigh: Are you prepared to vote on it, to present it to the House?

Mr Michael Brown: If I may tell you frankly, I know absolutely nothing about this.

Ms Martel: Was there a committee schedule that we would deal with this after —

The Vice-Chair: Yes, there was, and I understand there was agreement, if we had time, to —

Mr Gilchrist: We had all-party agreement, plus the notice of the sitting of the committee today did specify both bills.

The Vice-Chair: Can we start with taking a five-minute recess?

Mr Klees: No. Let's just do it. Let's get on with it.

Interjections.

Mr Gilchrist: Perhaps, Madam Chair, if it's helpful to the two members opposite: We had unanimous support in the House last Thursday, in fact both House leaders of the opposition parties as well. We had a unanimous vote at noon. Very simply, the bill simply relieves anyone from any civil liability if they render aid at a roadside emergency or at a restaurant if someone is choking. We are one of only two provinces left in Canada that do not have a

Good Samaritan Act in some form. Most American states do.

Unlike the European standard, which requires you to do something, and therefore might pose a greater concern if you think you're being called upon to be a doctor when you have no medical skills, this bill simply says that if you act reasonably and try to assist somebody in a case of emergency, you won't be held liable for anything that may happen except in the case of gross negligence, which is doing something that you should know not to do. So it doesn't relieve anybody from doing something silly at the side of the road, but it would relieve anybody who, acting reasonably and with good intentions, sets out to help someone: moves them off to the side of the road or gets a blanket or in any way performs any first-aid assistance.

The bill is literally one page, and I'm certainly not trying to abbreviate the debate on it, but again, even in the House, there were no — let me underline "no" — reservations expressed. The speakers from all three parties said they saw this as being something noteworthy.

Mr Michael Brown: So what is it that you're looking for at this point?

Mr Gilchrist: Going through it clause by clause, quite frankly. It's got two clauses plus the title. I have no changes to make. It had the approval of the Ontario Medical Association, the Registered Nurses Association of Ontario.

In response to the publicity the passage had, I received a letter from the Comber Fire Department, Comber, Ontario. The chap who wrote, having completed 40 years of service as a volunteer firefighter, the last 20 of which has been as deputy fire chief, supports the Good Samaritan Act without hesitation.

To quote him, "Not only do I need the Good Samaritan Act, 1997, for my personal protection, I have seen and experienced situations where if it had not been for volunteer good Samaritans, people would have died or would have been seriously maimed and injured." It goes on in other detail. That's from a Mr Bob Miner of Comber, Ontario.

Unless the clerk has received any other correspondence in reference to the publicity we gave —

Clerk of the Committee: This is the background from leg research. I do have one exhibit to distribute.

Mr Gilchrist: I would certainly invite questions from my colleagues opposite.

The Vice-Chair: Before you do that, I think all of you have in front of you now the report of the subcommittee. Perhaps we could just deal with that and strike it out or whatever is the decision of the committee.

Mr Gilchrist: I move the adoption of the subcommittee report.

The Vice-Chair: If there's no debate, then we can move on to looking at — oh, we need to pass the subcommittee report. All in favour? All right.

Mr Gilchrist: Thank you. Again, if the clerk can hand out anything he's received, and I'd be pleased to have him hand out a copy of this letter, which is the only correspondence sent to me directly, save and except oral communications on a radio station last week.

Ms Martel: Is this a friend of yours?

Mr Gilchrist: I have no idea who this woman is. It would appear to be a response, I have to assume, because it has been addressed to the clerk, to the fact that, as noted in the subcommittee report, we invited comment over the parliamentary channel. I think perhaps this author has confused my bill with something else.

Mr Chudleigh: The Comber Fire Department letter was signed by Bob Miner, who is a descendant of the Jack Miner of the bird sanctuary down in Point Pelee. Comber is on the 401, just north of Leamington, a marvellous part of Ontario, one that Mr Klees is familiar with.

Mr Klees: Speaking of Mr Klees, may I just make a brief comment? I'd like to commend Mr Gilchrist for having brought this bill forward. I have had a number of my constituents comment on this initiative. It is certainly welcomed by the medical profession particularly, and I hope that we can do the honourable thing here and support Mr Gilchrist in ensuring that this bill becomes law in this province.

Ms Martel: You had me before you said, "honourable thing."

Mr Michael Brown: Does the ministry have a position on this bill?

Mr Gilchrist: The ministry endorses the bill, and did that day. Mr Newman, speaking in his capacity as parliamentary assistant, indicated the ministry supported it.

Interjections.

Mr Michael Brown: I move we report the bill.

Mr Gilchrist: If there's no comment to the contrary, Madam Chair, I wonder if I could ask if we move to clause by clause.

The Vice-Chair: Well, Mr Brown has moved the report of the bill.

Mr Gilchrist: Oh, thank you.

The Vice-Chair: I'm advised we have to go through clause-by-clause. Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall section 4 carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report to the bill to the House? Agreed.

Thank you very much. This committee stands adjourned.

The committee adjourned at 1751.

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Also taking part / Autres participants et participantes

Mr Peter North (Elgin Ind)

Mr John Brisbane, fish and wildlife operations specialist, fish and wildlife branch, MNR

Miss Leith Hunter, solicitor, legal services branch, MNR

Clerk / Greffier

Mr Tom Prins

Staff/Personnel

Mr Jerry Richmond and Mr Avrum Fenson, research officers, Legislative Research Service

Mr Doug Beecroft, legislative counsel

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